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#### THE STRANGE CASE OF MYRA CLARK GAINES

By JOHN S. KENDALL

Hidden away in the dusty cupboards in the record rooms of the old law courts of New Orleans are heaps of moldering documents which it would well repay the curious investigator to examine. Therein are preserved numberless stories of the deepest human interest-of crime and suffering, virtue, self-sacrifice, and high achievement. Most of the cases of which these records pertain have long ago been forgotten. A few still persist in the popular memory, though chiefly by name only. Of hardly any of these ancient litigations do we retain today even a vague idea of the issues which once set the community by the ears. Sic transit. What, for instance, does the Gaines case mean to anybody in New Orleans today? Perhaps a few elderly people will recall that a certain old lady named Gaines once prosecuted a claim against the city, and, somehow or other, obtained a judgment for a large sum of money. But how and why? Probably they cannot say. And yet, once, in the Supreme Court of the United States, where, of all places, one would least expect superlatives, it was solemnly and deliberately stated that the Gaines case was "the most remarkable" in our legal records; and a bespectacled justice expressed the hope that someday "a distinguished American lawyer shall retire from his practice to write a history of his country's jurisprudence," and would devote a large part of that work to the amazing story of Myra Clark and her efforts to recover the patrimony which she said was hers under a will which was never produced in court.

The Gaines case had its origin far back in the history of the city, in the days when New Orleans was still an appanage of the Spanish crown and had a mere handful of inhabitants, all of them

intensely interested in everything that each other did or said. It did not, however, get into the courts until 1834, but, once within the judicial frontiers, it remained there for sixty years. Twelve times it journeyed up to the Supreme Court of the United States, and almost as often, up to that of the State of Louisiana. The number of suits and countersuits which grew out of the primary litigation has never been computed. In 1867 the testimony so far adduced filled 8000 closely printed pages. Ten years later the testimony collected in the interval swelled this incredible total by 40,000 manuscript pages. On one occasion an attorney consumed seventeen days in an oral presentation of the case. At last the record assumed such proportions that the United States Supreme Court, confronted by the necessity of handing down a decision in one of the numerous appeals taken to that august tribunal, frankly admitted the impossibility of reading it through.

In one way or another, the services of practically all the important members of the Louisiana bar in the nineteenth century, were enlisted in the case. Such men as John R. Grymes, Lucius and Greer Duncan, Louis Janin, Judge Preston, J. R. Beckwith, John A. Campbell, James McConnell, Thomas J. Semmes, Smiley, Stone, Perrin, Bonford, Moise, Randolph and Sigur—who were the great legal luminaries of their day—appear and reappear in the interminable history of the Gaines case. Other great lawyers, not identified with New Orleans, figure also—Daniel Webster, Jeremiah Black, Reverdy Johnson, Caleb Cushing, and the like. One of them received a fee of \$25,000 for a single appearance in court, and did not consider himself overpaid, so onerous was the preparation which became necessary even for a brief connection with this extraordinary litigation.

Finally, after all the people who participated in the early proceedings had died or moved away from New Orleans, the case ended with a decision favorable to the plaintiff, but it was a Punic victory. Old, alone, bereft of husband and children, worn out with her incessant labors and anxieties, Myra Clark Gaines passed to her reward without really having advantaged in any way from her long battle in the courts. In the accounts of her death published in the New Orleans newspapers, stress is laid upon the fact that she died poor. She had collected from the various persons and corporations which she had sued, large amounts of money, estimated all the way from \$250,000 to \$6,000,000, but these great sums had

been swallowed up in the expenses of the interminable litigation. Her second husband, Gaines, left her a handsome fortune, but that, too, had gone to meet the costs of court and the fees of lawyers. Some years after her death, a relatively small sum was divided among her grandchildren in New York. Had General Gaines' legacy been maintained intact, and no litigation ever attempted, they would have received about as much. In the end, nothing whatever had been accomplished by the longest, most complicated, most romantic lawsuit known to the history of the United States.

Myra Clark Gaines did not figure in the opening chapters of this singular history. The hero of them was an Irish lad of good family, named Daniel Clark, who was born in County Sligo, in 1766. At an early age Daniel was sent to England to complete his education, and there he remained till his twenty-first year. He studied chiefly at Eton. Shortly after leaving there he came to Louisiana to join an uncle, Colonel Clark, who had been for some time in business in New Orleans, and was regarded as a man of wealth and prominence. Subsequently, Daniel Clark's parents came to America also but they settled in Germantown, near Philadelphia, where his widowed mother was still residing in 1811. When Daniel Clark arrived in New Orleans, it was a Spanish city. In order to acquaint himself with the local language and to familiarize himself with the laws, customs, and resources of the country he went into the office of the secretary of the government as a clerk. What he then learned proved of immense utility in later years.

The young man soon became his uncle's chief clerk and agent. He held his general power-of-attorney and transacted all his business. In 1796 Colonel Clark conveyed to Daniel the whole of his extensive property in Louisiana. Three years later the old gentleman died, and Daniel found himself at the age of thirty-three one of the richest men in North America. He had already branched out in business for himself. Now he extended his operations. Before 1808 he was carrying on trading enterprises as far away as Montreal. In 1791 he went into partnership in Philadelphia with Daniel W. Coxe, "a person of distinguished position in that city." This partnership lasted till Clark's death.

In New Orleans Clark's confidential agents were Relf & Chew. The names of Relf and Chew should be remembered as they figured conspicuously in subsequent events. Richard Relf was from Philadelphia. He died in New Orleans in October, 1857, aged 81. Bev-

erly Chew was a Virginian. He also died in New Orleans at an advanced age, on January 13, 1851. In 1822 Relf was cashier of the Louisiana State Bank, and also steamship debenture clerk in the United States Customhouse in New Orleans. Chew was at one time collector of the port of New Orleans. He was prominently identified with the organization of the Canal Bank, for over a century one of the most important financial concerns in the South. In New Orleans both men were recognized as "occupying positions of public trust." They were men of the highest reputation for honor and probity. Nevertheless, it is around their behavior as executors of Daniel Clark's will that some of the most dramatic incidents in the Gaines case were destined to occur.

Daniel Clark's multifarious enterprises brought him in large revenues, and these were principally invested in New Orleans real estate. In 1802 he became United States consul in that city. This was the beginning of a brief but brilliant public career, into the details of which we need not enter, save to remark that the United States was largely indebted to his zeal, intelligence, and intimate acquaintance with Louisiana for the successful outcome of the negotiations for the purchase of that region from France, as evidenced by the records still preserved in the office of the Secretary of State at Washington. In 1806 Daniel Clark was elected to Congress, where his oratorical talent and his stores of accurate information regarding the newly-acquired territory gave him authority as a speaker, and enabled him to exercise upon legislation an influence which has been seldom surpassed. In 1808 he retired from public life, unless we may regard as prolongations thereof his purely political duel with Governor Claiborne, his participation in the arrest of Aaron Burr, for which Clark was in some measure responsible, and his acrimonious controversy with General James Wilkinson whom he charged with treasonable practices at the time of the Louisiana Purchase.

In New Orleans Clark made his home in a handsome mansion still standing in Royal Street, and bearing the municipal number 823. He lived here from 1803 to within a year or two of his death, when he sold or gave the property to Pierre Baron Boisfontaine, who had long been his confidential clerk. Clark also had a residence on Bayou Road near Bayou St. John and here he died in 1813. At the time of his death he was regarded as a bachelor, perhaps a trifle too fond of the ladies, but otherwise of fine character, "a

man of much personal pride and social ambition, of high intelligence, full of enterprise, and though very peculiar in some respects" (so the United States Supreme Court described him in 1860) "characterized by numerous chivalric and honorable dispositions . . . . Everywhere his associations were of a marked kind and with people of social importance."

We must now present another personage destined to play a prominent part in the drama we have to outline. This time it is a woman. In 1791 or 1792 there came to New Orleans a young Frenchman named Jerome des Granges, or DeGrange—the name is variously spelt—claiming to be a scion of a noble but impoverished family of Clermont, in France. In New Orleans he made no effort to live up to the traditions of his house. He went into business as a confectioner and distiller; that is, he made and sold cakes and beverages at an establishment on the corner of Royal and St. Ann streets. In 1796 DeGrange was married in New Orleans by a Catholic priest to Marie Julie Carriere, called Zulime. This is the person who is to occupy so large a place in our narrative. She was then either thirteen or sixteen years of age-accounts differ-a girl of extraordinary beauty, vivacity and charm. The record of the marriage is still to be seen in the archives of the Catholic diocese in New Orleans. Zulime was a native of Bordeaux, of Gascon descent, but had been brought very early to New Orleans by her parents. She was of great assistance to her husband, attracting customers to the shop by her beauty and shrewd tongue, and selling them the wares which DeGrange turned out. It was a custom in New Orleans then for gentlemen to linger in such establishments, eating the pastries and drinking the liqueurs and coffee served there and chatting with their friends. There were many such places in the little city. DeGrange's was one of the less important.

There can hardly be any doubt that Daniel Clark first saw Zulime when he went into her husband's shop in quest of refreshment. Just when their acquaintance became a bit too intimate it of course, difficult to say, but the United States Supreme Court, infallible in this as in all other matters, fixed the date as 1801. In that year Zulime conveniently discovered that there were properly matters in France in which her family was vitally interested and that Jerome ought to go thither and straighten them out. This circumstance leads us to infer that her parents were then dead, but she had two sisters, one of them married to a man named Despau

and the other to one Caillavet. Clark obligingly offered to assist financially in the venture and in the spring of the year DeGrange sailed away and was gone rather more than a year, not returning to New Orleans till "a few months" prior to September, 1802. It was well that he was detained all that time on the other side of the Atlantic for in the interval Zulime was delivered of a daughter who could by no manner of means have been his offspring. Years later when these scandalous details were aired in the courtrooms in New Orleans and Washington, the fact that Daniel Clark was the father of this child was made painfully evident.

What happened was this. Scarcely had DeGrange turned his back than Clark sent Zulime to Philadelphia with letters to his partner. Coxe, asking him to see that she was suitably lodged and that all care should be given her until the baby was born. Zulime was accompanied by her sister, Mrs. Despau, who was with her when the anticipated event came off. The child was christened Caroline. She was reared in Philadelphia by Clark's mother to whose hands she was entrusted soon after birth and who left her a sum of money in her will. Caroline really has no place in our story. She was made a party to the legal proceedings of 1840 but that was merely a technical procedure. To Coxe, Clark frankly avowed his parental relation to the child, provided for her education and in one of his various wills left her a legacy of \$500. She grew up to womanhood, married a dentist named Barnes and died in 1844 leaving no children. In this connection we may mention that this was not Zulime's first child. By DeGrange she had a son who either died or "subsequently went to the Western country," and was heard of no more. There was some controversy later about the date of Caroline's birth, Mrs. Despau insisting that she was born in 1801 and Coxe, that she was born in 1802.

Zulime returned to New Orleans as soon as her health permitted. Apparently, DeGrange never knew what had happened during his absence. Zulime told him that she had gone to Philadelphia to inquire into certain rumors that had reached her that DeGrange had been married in that city or in New York prior to coming to New Orleans and that his first wife was still living and had not been divorced from him. She, therefore, regarded herself as not legally married to him. However, a few months later when the matter came before the Spanish ecclesiastical court in New Orleans, she testified that she had satisfied herself that there was no

truth in the rumors, that she had learned that DeGrange had "courted" the Philadelphia person, but that there had been no marriage.

Years later the issue thus raised became a vital one when the Gaines case was on. Was DeGrange a bigamist or not? Eventually, the United States Supreme Court took the position that he was. Yet in 1802 when the ecclesiastical court pronounced on the matter, exactly the opposite conclusion was reached. That on the day of the departure of DeGrange for France the Carriere family entertained no doubts as to the legitimacy of his relation to Zulime is clear from the fact that Mrs. Despau and Mrs. Caillavet delivered to him a power-of-attorney in which they described him as "our brother-in-law." That DeGrange wished to be regarded as Zulime's lawful husband seems clear from a letter which he wrote to Clark from France in July, 1801 in which he refers repeatedly and in affectionate terms to "my wife." He too had executed a power-of-attorney in favor of "my legitimate wife," under which Zulime had acted as late as November, 1801, when she authorized her brotherin-law, Caillavet, to receive certain moneys on her behalf.

Nevertheless, in 1802, when DeGrange returned to New Orleans he was arrested by the Spanish authorities on information apparently lodged with the ecclesiastical court by Zulime or by some of Zulime's relatives. What renders the situation still more ambiguous is the advent in New Orleans at this altogether-tooappropriate moment not only of the woman supposed to have been married by DeGrange in Philadelphia, but of another person named Yllar who also set up a claim to be the gay confectioner's lawful spouse. The warrant for DeGrange's arrest is dated September 4, 1802. Therein it is stated that it was a matter of public report that in 1794 (when DeGrange married Zulime) he was married to Barbara Jeanbelle, "who has just arrived from France." It must be confessed that the record is not very clear about the Yllar woman. "And as it has been ascertained," continues the warrant of arrest, "that the said DeGrange is about to depart with the last of his three wives, let him be placed in the public prison during these proceedings." This was done.

Barbara Jeanbelle was examined and testified that eleven years previously in New York DeGrange had paid court to her but that her father had disapproved of the match on the ground that the suitor was poor. It was never made quite clear that DeGrange

had actually married her. On the contrary, after he had departed Barbara went to Philadelphia and there married a man named Soumeyliat with whom she went to live in Bordeaux. She could hardly have done this had she been duly wedded to DeGrange. She had now come to New Orleans as a result of meeting DeGrange in Bordeaux "by mere accident." Why should she undertake so long and expensive a journey unless she thought she had some definite legal claim on our Lothario? And what is perhaps even more singular is that when she finished her testimony she vanishes from the scene. Did she return to France? Did she remain in New Orleans? Did she go back to New York or Philadelphia or wherever it was that she came from in the first instance? In all the mountain of evidence subsequently accumulated by Myra Clark Gaines, in which every imaginable detail connected with the lives of the persons who figure in Zulime's story is set forth with painstaking thoroughness, this point which might have cleared up a good deal that remains mysterious in the story was ignored.

The Yllar woman explained her presence in New Orleans by saying that DeGrange had met her in France and suggested that she come to the Louisiana capital because she could earn a good living there with her needle. Nothing was adduced to show that DeGrange had ever proposed marriage to her. Zulime added to the confusion by her testimony, the essence of which has been stated above. The upshot was that DeGrange was set at liberty. The court held that "as the public report could not be proved and no further testimony was available the proceedings should be suspended."

'There seems to have been some sort of criminal proceedings instituted against DeGrange also, but if so, the records were lost when the Spanish removed the New Orleans archives to Cuba in 1803.

Anyhow, DeGrange left New Orleans and was never heard of again. Did he sense behind the accusations against him the powerful influence of Zulime's protector? Did he decide that it was best for him to incur no further risks from that direction but to abandon his beautiful wife to his wealthy and powerful rival? Or was he conscious of guilt and made his getaway in order to avoid a punishment which he knew he deserved? No one can say. According to one story reported by Castellanos in an article published in 1897 in the *Times-Democrat*, after first denying the charges against him

DeGrange finally admitted them. It is also said that he escaped from prison while the criminal proceedings were pending and with the connivance of the authorities, particularly of LeBreton d'Orgenois, one of the leading citizens of New Orleans, made his way to a ship that was waiting in the Mississippi which took him to France. All of which the reader is at liberty to believe if he wishes to. The important point, however, is whether Zulime Carriere was the lawful wife of Jerome DeGrange in the years from 1796 to 1803. On the answer to that question depends the whole vast structure which Myra Clark Gaines subsequently erected for the embarrassment of judges and the confusion of posterity.

We now come to another mysterious episode—the alleged marriage of Zulime Carriere and Daniel Clark. According to the story she and Clark were married in Philadelphia in 1802 or 1803—the precise date was never definitely ascertained. It was agreed between the parties that the marriage should not immediately be made public. The idea was first to locate proofs of DeGrange's previous marriage and thus fortify Zulime's position as an innocent girl deceived into a marriage that was no marriage and so show that she was legally capable of union with Clark. Before the ceremony it seems that both she and Clark went to New York "by separate conveyances," to ascertain the facts of DeGrange's earlier marriage. Zulime, careful of the proprieties, was accompanied by her sister, Mrs. Despau. In New York she discovered that the records of the Catholic Church where that marriage was said to have taken place had been burned. She was consequently disappointed in the object of her search.

On returning to Philadelphia, however, they learned that a certain Dr. James Gardette had actually been present at DeGrange's first marriage. His testimony seems to have quieted Zulime's scruples and she consented to the performance of the ceremony which made her the more or less legitimate wife of Daniel Clark. Clark at the time solemnly undertook to take steps to establish judicially and publicly the invalidity of her marriage with DeGrange and the legality of her marriage to himself and to do this as promptly as possible; until when, as we have said, the marriage was to remain secret. The ceremony, it is said, was performed by a Catholic priest in the presence of Mrs. Despau and a Mr. Dorsiere, of Louisiana, and an Irish gentleman from New York, a friend of Clark's, whose identity, so essential to establish the facts, was never

subsequently ascertained. Zulime was nineteen years of age. She had lived a good deal in five years.

Whether married to Clark or not, Zulime came back to New Orleans and in 1802, or 1805, or 1806—here again the authorities differ—gave birth to a daughter who was the Myra subsequently so celebrated as the claimant of Clark's supposedly vast estate. The baby was born in a house belonging to Baron Boisfontaine, "then casually vacant," which he had fitted up at Clark's request for the event. This was situated probably on one of Clark's properties in the outskirts of the city. The other arrangements for Zulime's accouchement were made by another friend of Clark's, Colonel S. B. Davis, who had once been in the navy but had changed over to the army and in that way come by a military title. Davis was a brother-in-law of Boisfontaine. He had a nephew named Harper whose wife Harriet had just recently had a child of her own. Davis, we may add, became a member of the firm of Davis & Harper established in 1805 on money supplied by Clark.

Within a few hours of her birth the infant was taken from her mother and placed in the care of Colonel Davis. It was he who bestowed on her the name of Myra after a niece of his own. In his turn Davis called in Mrs. Harper who, relegating her own offspring to the care of someone else (name unknown), devoted herself to the care of the luckier baby with all the assiduity of its own mother. Zulime made no objection to this separation from her child. She had shown a curious indifference to Caroline and now she was quite content to have Myra cared for by strangers. Clark, however, seems to have become greatly attached to the little girl. He visited the Davis home frequently in order to see the child, playing with and conversing with her. Apparently he provided Davis munificently with funds with which to care for little Myra.

In 1812 Davis and his family removed to the North. He bought a beautiful suburban residence, Delamore Place, near Wilmington, Delaware, located on one of the high hills west of the city and surrounded by stately elm trees, with a spacious lawn sloping down from the front of the house and delightful views of the city and the lovely Delaware river. The mansion was built in the Corinthian style. After Davis' death it was acquired by Senator Bayard who lived there for many years. This place with all its wealth and luxury was Myra Clark's home from 1812 to 1832. She was reared as Davis' daughter and he was devoted to her. She bore his name and

seems not to have had any knowledge of her true parentage till she was about twenty-eight years of age (not nineteen, as the United States Supreme Court once declared).

Efforts have been made to blacken Davis' character and to show that he was false to the great trust reposed in him by his friend and benefactor, but all that seems entirely without foundation. Clark, it appears, placed a sum of money in Davis' hands at the time of his departure from New Orleans to be applied to Myra's education. This sum has been variously estimated at from \$2360 to \$700,000. Davis has been accused of appropriating the money to his own uses but obviously, if it amounted only to the smaller sum mentioned, it was exhausted for Myra's needs long before she reached the age of discretion. Davis did not neglect her education though he seems not to have encouraged her in any kind of learning which might tend to develop independence of thought; but that was not unusual in the case of "females," as they were elegently termed in those days. Myra grew up a nice, well-behaved, not-toogood-looking and not-too-accomplished woman, never suspecting that she was an exotic member of the family circle.

Clark died as aforesaid and was laid to rest in the St. Louis cemetery No. 2, then the fashionable New Orleans burying ground. His tomb may be seen there to this day. As for Zulime, her subsequent history may well be told at this point since she too, after the fashion of so many of the personages in this curious drama, ceases to be important in it after the birth of Myra. In 1805, Clark set up for her a handsome establishment in New Orleans. Everybody in the city, with that curiosity about such matters to which we have alluded, knew that she was Clark's mistress. He took no pains to correct this impression. Off he went to Washington to attend the meetings of Congress and to hobnob with presidents and ministers, leaving Zulime in what was undeniably an embarrassing position if she was in fact his wife. He made no effort to carry out his nuptial agreement-if there were any such-about making clear the bigamous nature of her marriage to DeGrange. In 1808 wearying of Clark's delay in the premises and irritated by reports that he was contemplating marriage with another woman, Zulime took matters into her own hands. Accompanied by the faithful Despau she went to Philadelphia to obtain proofs of her marriage to Clark. She was particularly annoyed at the rumor that her truant husband (if indeed he were so) had proposed marriage to Miss Caton, of Baltimore, Maryland, niece of one of the judges of the Supreme Court and a lady of very distinguished lineage who subsequently married the Marquis of Carmarthen and died as Duchess of Leeds. Interested persons fomented the distrust which Zulime had begun to feel about Clark. After 1807 they seem never to have seen each other.

When Zulime arrived in Philadelphia on her amiable mission she consulted a lawyer who told her that she could not establish her marriage legally as the records had disappeared. She also interviewed Coxe who gave her the same assurance. Thereupon, assuming that she was for the second time a wife not even in name, she married Dr. Gardette. The ceremony took place on August 2, 1808. It was quite likely that Zulime had known Gardette previously in New Orleans where he seems to have practised his profession as early as 1801. He now took her with him to France and there they lived till his death, twenty-three years later. Three children were born to them. In 1841 or 1842 Zulime, now a widow, returned to New Orleans where she lived quietly till 1853, when she too passed to her reward. All this of course makes very peculiar reading. Clearly, if Zulime had been lawfully wedded to Clark in 1803 she could not have contracted a legal union with Gardette and yet during her later life in New Orleans nobody seems to have molested her about what was-or perhaps was not-a flagrant case of bigamy.

The next chapter in this singular history concerns the wills of Daniel Clark. They were two in number. They are distinguished. as the Will of 1811 and the Will of 1813. Regarding the former there has never been any question. The existence of the other, although accepted by the highest judicial authorities in the country, is still a matter of doubt. The circumstances under which the earlier will was executed were briefly as follows: In May, 1811 Clark heard that his partner, Coxe, was in financial difficulties and concluded that his presence in Philadelphia was required to avert a serious disaster. Before leaving New Orleans he wrote out a short will, bequeathing his entire estate to his mother and appointing Messrs. Relf and Chew his executors. To these gentlemen he gave the document for safe keeping. In it no reference was made to wife or child-not even to his illegitimate daughter Caroline. However, it is said that at this time he undertook to provide for Myra by conveying property worth several hundred thousand dollars to various friends—Bellechasse, Davis, and others—to be held by them in trust for the little girl. He then went to Philadelphia and found that the reports of Coxe's misfortunes were groundless. On his return to New Orleans Clark informed his friends that he had no intention of preserving the will of 1811, as it had been made to meet contingencies which had not arisen. Nevertheless, he did not destroy it. It remained in the custody of Relf and Chew.

The other will is said to have been written in July, 1813, a few days before Clark's death. In it he is said to have fulfilled an intention which he had previously expressed to various intimates, of constituting Myra his sole legatee. Judge Pitot, Colonel Bellechasse and the Chevalier de la Croix, all men of the highest standing in New Orleans, were named as executors. De la Croix was appointed Myra's guardian. This will is alleged to have been shown to and read by the three gentlemen above-mentioned and by Mrs. Harper, the lady who had so obligingly served as Myra's wet-nurse.

What happened after that is not easy to make out. The official story is open to considerable criticism. It is that Clark fell ill within a week, died, and in the confusion that ensued, Relf made away with the will of 1813. Consequently, the will of 1811, which it will be recalled was still in the hands of Relf and Chew, and named them executors of Clark's allegedly vast estate, became operative. Clark died at his mansion on Bayou Road. As soon as the fatal character of his ailment was apparent, Relf established himself there and did not depart until after Clark's death. So, too, did Baron Boisfontaine. Bellechasse visited the sick man from time to time. There was also Clark's confidential negro valet, the slave Lubin, who, had the will of 1813 been probated, would have received his freedom. It will be observed that each of these persons had his own reasons for wishing to see one will recognized rather than the other. Consequently the testimony which they subsequently gave must remain open to suspicion.

At this juncture, in the best melodramatic tradition, we hear of a "black box" which Clark kept in his office on the lower floor of his Bayou Road home. Therein he locked up the 1813 will. As he lay dying he instructed Lubin to take it with its precious contents to de la Croix, immediately upon his demise. Lubin never had a chance to obey his master's command, for Relf, who is the villain of the piece, saw to that. We have Boisfontaine's statement that he and Relf were in the room when Clark breathed his last, that Relf

possessed himself of Clark's keys and that he hurried down to the lower floor. There Lubin claimed to have seen him go into the office and lock the door, emerging somewhat later to summon the officers of the law, and command them to affix seals to various apartments as required under the Louisiana code. To these new arrivals Relf exhibited the 1811 will and announced himself as executor of the estate, along with his partner Chew. He claimed to have found the will in an old trunk filled with Clark's private papers. The document was promptly presented for probate and Judge Pitou, in due course, recognized it and confirmed the appointment of Relf and Chew as administrators of the estate. Not altogether without opposition however. Within thirty-six hours after Clark's death de la Croix filed a petition in the Probate Court setting forth the probable existence of the later will and praying that a search be made among the offices of the notaries public in New Orleans to see if a copy thereof had been left there by Clark or if any record had been made of such an instrument. The search was made but no trace of any will was found. De la Croix did not press the inquiry. On August 27, 1813, Relf qualified as executor and Chew on January 21, 1814.

We will not stop to review this story critically just now. The reader has no doubt already observed its more obvious improbabilities. Twenty-two years later when the whole matter came before the courts, Relf and Chew were made the objects of the gravest accusations. It was asserted that the administration should normally have lasted not more than four years but that Relf and Chew had deliberately prolonged it far beyond that term, treating the property as their own, buying and selling portions of it in their own name and for their own account and making no returns to the courts until compelled to do so in 1836, and then submitting vouchers only for a small part of the supposedly enormous sums which had passed through their hands. But Relf and Chew were advised throughout by the two Duncans, men of the highest standing at the New Orleans bar. It is impossible to believe that they would have connived at anything savoring in the smallest degree of dishonesty. Moreover, it was alleged on behalf of the executors that the magnificent Clark estate was a myth, that Daniel Clark really died insolvent and that if there had been delay in settling up the succession it was due to the nature of the wrecked estate which made it difficult to assemble the funds required to pay off the debts. Nevertheless, a singular circumstance which on the surface seemed to justify the suspicions levelled at Relf and Chew eventually opened the way to action in the courts.

Just when Myra Clark—or Myra Davis, whichever you please—became aware of her relationship to Daniel Clark and of the supposedly vast inheritance due to her, we do not know, but it could not have been earlier than 1834. In that year she was married to William W. Whitney, a worthy candidate for her hand in every respect save age, for he was some years junior to his bride. The wedding took place at Delamore Place and in the license Myra figures under the name of Davis, and by that name she is mentioned in the accounts of the event published in the Philadelphia newspapers. Clearly then she still believed herself the child of the Davises. But a short time later we find her in New Orleans alleging in a court document that her father was Daniel Clark and her mother Zulime Carrière. Somewhere in between these dates she had acquired a knowledge of the truth about her parentage.

We may dismiss the various stories that are told about Davis' efforts to conceal the facts from her. They are false on their face. Davis seems to have been a highly honorable man and it is inconsistent with what we know of his character to suppose that he intended to keep Myra in ignorance of her identity in order to retain the entirely mythical fortune placed in his hands, according to one story, by Clark for Myra's use. Another tale is that Davis, while absent from home, found that he needed some important papers and commissioned Myra to send them to him, and in carrying out his wishes she stumbled upon some old letters which acquainted her with the secret. The most likely story told in this connection is that Davis placed in Whitney's hands about the time of the wedding some correspondence which he had had years before with Bellechasse, and this fired the young couple with the determination to go to New Orleans and establish their rights.

They made the journey by way of Cuba. In Matanzas they interviewed Bellechasse, now a very old man. From him they obtained what they regarded as confirmation of their fondest hopes. They also found Mrs. Harper in Cuba and she strengthened their determination by what she told them of the missing will and the strange behavior of Relf on the night of Clark's death. Undoubtedly, Mrs. Whitney was an heiress and if she could convince the courts in New Orleans of the fact she would be entitled to scores of acres

of real estate in the most valuable parts of the city, or to the value thereof. In this assurance the young couple disembarked in the Louisiana metropolis one day in the spring of 1834.

And that brings us somewhat tardily to the Gaines case. It would be tedious, even if it were possible, in the brief space at our command to consider in detail the various suits, countersuits, appeals, rehearings, decisions and what not which, conjointly, make up the Gaines case. All we can do is to indicate in a general way the content of this enormous and complex litigation. The task is complicated by the freedom with which everybody involved defamed one another's characters so that in the end, the historian finds it difficult to put any confidence in the statements of any party to the contention. Myra's apologists insist that in going into court her main, if not her only, object was to clear her birth of the stain of illegitimacy and Myra herself, towards the end of her career, encouraged this view of the matter. But as a matter of fact, the purpose which she had in view from first to last was to recover the property that had once formed part of the Clark estate, to which end she did not scruple to publish the most discreditable episodes in her parent's history.

It is a curious fact that when the matter was first brought into court early in 1834, Myra Clark was not a party thereto. The original suit was brought by a man named Schaumberg who tried to wrest control of the estate from the executors, Relf and Chew, after discovering that in spite of the many years that had elapsed since Daniel Clark's death they had not closed the succession. Alleging that the property was in an abandoned and unclaimed condition he asked the courts to issue letters of administration to him. Relf and Chew opposed this demand and in June of that year Schaumberg was non-suited and disappeared from the case.

It was this suit, however, that gave Myra Clark and her husband the opportunity to present their claims before a competent tribunal. In fact, there is something fortuitous in their arrival in New Orleans precisely at this juncture. Could Schaumberg have been prompted by them to do what he did? Was it news of his activities which brought the Whitneys hurrying from New Jersey to Cuba and thence to New Orleans? No one can say. The circumstance, however, invites suspicion. At any rate they intervened in the Schaumberg suit in the Probate Court in New Orleans where it had been brought, asserting that Myra was Daniel Clark's only

child and that as such she was his sole heir. Reference was also made at this time to the lost will of 1813 but this point was not stressed nor was it till 1848 in the case of Pattison vs. Gaines that any claim was advanced specifically under that instrument.

The publication of Myra's story aroused a storm of indignation against her and her husband. New Orleans saw in them a pair of unscrupulous adventurers. It was immediately perceived that their activities, if persisted in, threatened the welfare of the entire community. Louis Janin, a veteran member of the Louisiana bar, writing in 1874, said that her pretensions were wholly without foundation and that her case was really "a rank fraud attempted upon the courts.... It is impossible," he added, "to imagine, away from New Orleans, the disturbance which the Gaines suits made."

At first Myra's activities were directed against Relf and Chew as executors of the estate of Daniel Clark. But as time went on she included all of those who in one way or another, as purchasers or vendors, had ever had anything to do with the properties that had once belonged to her father. In 1836, for instance, she brought suit against one hundred such persons. In 1866 she sued one hundred and ninety individuals whom she regarded as unlawfully occupying lands that properly belonged to her. Three years later she instituted proceedings against seventy-five others and in the following year against three hundred additional persons. By and large, the whole population of the city came to feel itself in jeopardy as long as Myra Clark roamed at will through the halls of justice, seeking whom she might devour.

It was not only the number of persons involved which alarmed the public but the magnitude of the sums represented by the Clark properties. Clark had bought them for a mere song but with the growth of New Orleans they had acquired enormous value, particularly in the center of the city where the shrewd Irishman had invested no small part of his fortune, and at the northern extremity of Esplanade avenue, then one of the most select residential neighborhoods in New Orleans. In 1860 the value of these properties was estimated at \$32,000,000, a large sum judged by the standards of the present day and stupendous from the viewpoint of that simpler time when the assessment of real estate in New Orleans for tax purposes was \$100,000,000. One piece of property to which Myra laid claim in the very heart of New Orleans extended along both sides of Canal street, from the Mississippi River to Dauphine street.

and embraced practically the whole of the retail shopping district—the most valuable strip of land in the city then as it is now. Daniel Clark acquired this property when it was a ropewalk on the edge of the inhabited part of the city. In 1813 Canal street was the upper boundary of New Orleans; few people lived in that thoroughfare, nobody above it. But when Myra Clark calmly announced that those squares of handsome shops were part of her inheritance, a vast new city had sprung up southwest of the old municipality and the once despised and neglected intermediate region had become the center of the business life of the community.

The alarm felt in New Orleans when the scope of the Whitneys' pretentions was realized persisted, we might even say increased, year by year down to the Civil War. That terrible conflict interrupted the normal processes of litigation and supplied the community with matters to think about other and even weightier than the Gaines case. The decade of turmoil which in the guise of Reconstruction followed the war was not propitious to the administration of justice, but it was then that Myra won her first victories. When, in 1894, the courts passed upon the Gaines case for the last time, public attention was still focused elsewhere and the final decision in her favor, damaging though it was to the impoverished municipality, failed to evoke the indignation which we may be sure would have been expressed thirty-five years previously. In the early days of the great case, in 1835 and 1836, so bitter was the feeling that the then Mrs. Whitney was repeatedly in danger of assassination. Somebody whose possessions were threatened by her suits evidently thought himself justified in executing justice privately upon one whom the entire city denounced as Public Enemy number one.

Therefore, when Relf and Chew examined the pleadings filed by Whitney on behalf of his wife, in the abortive Schaumberg case, and found themselves accused of personal dishonesty, they brought against the offender an action for criminal libel. Whitney was arrested and consigned to the common jail. Great was the satisfaction of New Orleans at the good news. At least one of the conspirators was in a fair way to meet a deserved punishment! Later on it was hoped a similar fate would be meted out to the female of the species. Even Judge Watts, before whom Whitney was eventually haled, seems to have participated in the general feeling. If we may trust Mrs. Gaines' recollection, which it must be confessed took on

with the years a more and more imaginative complexion, bail was fixed at \$35,000. It was impossible for the Whitneys to command any such sum and the unhappy prisoner went back to his cell where he lingered for three weeks in a long, hot New Orleans summer, at a time when yellow fever was epidemic in the city. Mrs. Whitney subsequently asserted that the close confinement to which her husband was subjected injured his health and resulted in his death in December, 1837, which may or may not have been true.

Mrs. Whitney did not long remain a widow. In 1839 she bestowed her hand upon General Edward P. Gaines, a retired United States Army officer who was residing in New Orleans. They met under rather romantic circumstances. At that time Mrs. Whitney was living in hired lodgings in an old brick mansion on the corner of Canal and Carondelet streets (where the Pickwick Club afterwards erected a building which was later converted into a dry goods shop). One day she was summoned to the drawing room to meet a tall, handsome military personage in full uniform, a total stranger to her, who announced himself as General Gaines and an old friend of her putative father. He explained that he had heard of her recent bereavement and her efforts to secure what he was sure were her just rights. With characteristic chivalry he offered whatever assistance his friendship might afford.

Mrs. Whitney's surprise and gratitude may be imagined. In view of the resentment with which she was regarded by the population of the city the tender of a helping hand, no matter whose, was welcome. That it was the hand of a distinguished soldier, renowned in the Indian wars and a man of wealth and position, must have been doubly gratifying. Gaines' chivalrous desire to aid one whom he regarded as a persecuted woman led to their marriage a few months later, a marriage which seems to have been a very happy one. The old campaigner watched over his tiny wife with assiduous care and she, in turn, superintended his household and saw that his dyspeptic habit was not exaggerated by indiscretions of diet. In the eleven years over which their wedded life extended it is on record that they were ideally happy: "their union seemed to be without a shadow until the end."

This marriage was moreover an important incident in the evolution of the case which thereafter was known by the old veteran's name. His considerable fortune furnished Mrs. Gaines the means to prosecute her suits in court. At the time of her mar-

riage this had become all but impossible. Myra had exhausted her resources and was actually on the point of being ejected from her lodgings for nonpayment of rent. As the general's wife she instantly acquired a social position which she could not otherwise have attained. His name protected her from the slanderous attacks which had already been levelled at her and which would undoubtedly have been continued until she would have had to leave the city.

Gaines believed in her and encouraged her to plead her own cause in court. In time she became so thoroughly acquainted with the law that she was perfectly competent to argue her case, even more so than some of the lawyers who represented her. As she had "a pleasing voice, an impressive manner, and a profound conviction of the righteousness of her cause," she could and did present her case as well as any advocate could do and even where counsel was employed, she was always present when her case was under consideration and by prompting and suggesting helped materially in their work.

On one occasion when her attorney, John R. Grymes, failed to appear she obtained permission from the court to speak on her own behalf and did so with great success. General Gaines who was present in full uniform—he was addicted to the use of his uniform, even to side arms, and seldom was seen in public save in full panoply—rose and announced that he would assume full responsibility for everything his wife might say and if she contravened any of the rules of the court, punishment should be visited upon him alone. With this understanding, Myra took the floor and for three hours harangued the jury, making we are told, "a profound impression upon the entire audience."

When General Gaines died in 1849 he left one-third of his handsome estate to his widow. She was, however, his third matrimonial partner and so the major portion of his large fortune, of course, went to the children by the earlier marriages. Mrs. Gaines' share is said to have amounted to \$100,000. That was a very splendid inheritance, sufficient in those days to enable her to live with comfort, even with elegance. But Myra was too far committed to the litigation which was to engross her life to abandon it now. In the course of a few years this respectable fortune was swallowed up in the expenses of her case.

From this time on Mrs. Gaines lived very economically, allowing herself scarcely the necessaries of life. She dwelt in boarding houses often of a decidedly inferior character and so obscure that her name rarely found its way into the city directory. We know, however, that for a short period she resided in a building overlooking Lafayette Square on the corner of South street and St. Charles in what was then a very fashionable part of New Orleans and in 1875 she maintained an office at No. 13, Exchange Place, in a building now demolished. Otherwise, it is curious to note that we cannot at the present day point out any localities with which this extraordinary woman was identified. Even the courtrooms and lawyers' offices which she haunted for so many years have changed or disappeared or been lost from the record so that, interesting though it would be to humanize her in an appropriate environment, relatively little can be done in that direction.

In view of the strong local feeling against her we can well understand why Myra Clark, after her initial unsuccessful adventure in the state courts should have deemed it wise to avoid them as much as possible thereafter. Accordingly, from 1836 to 1856 we find her ventures confined to the United States courts. These, it was fair to assume, would be unaffected by the prejudices admittedly existing in New Orleans against her and her pretensions. On the whole the issues in the first suits brought by Myra turned on technical matters of small interest to the general reader. The first case, for instance, which the Whitneys filed in the United States Circuit Court in June, 1836, raised the question whether in equity cases the judge should be guided by the rules followed in the Louisiana courts or by those observed in United States courts outside of Louisiana. The court preferred the former, whereupon Mrs. Whitney, whose husband was dead by this time, appealed to the United States Supreme Court which in 1839 handed down a decision unfavorable to her. Judge Story, the organ on that high tribunal, made it perfectly clear that while the law obliged him to act as he did, his own sympathies were with "this lone woman, bravely contending for her rights."

On similarly recondite points of law and procedure the case went up to the Supreme Court of the United States again in 1844. Again Myra was the appellant. In fact, the lower courts were consistent in their stand against her. It was the United States Supreme Court which finally gave her the decision which, by a species of

legal legerdemain hereafter to be made clear, was used in the Louisiana Supreme Court to secure her ultimate victory. However, this was not attained until the United States Supreme Court had gone through some of the strangest procedure in the whole of its history.

Ordinarily we think that a decision of the United States Supreme Court is one of the few really fixed, immutable things in our judicial system. The Gaines case shows that this is not necessarily true. In 1848 this great court handed down an elaborate decision favorable to Myra Clark. Three years later the same court upset that decision and then in 1856 another decision was rendered reversing the preceding one. Probably the legal annals of this country contain no more singular episode. Apparently our most exalted tribunal did not know its mind. Or shall we conclude that the animosities of the period preceding the Civil War had something to do with the Supreme Court's actions? After all, wasn't Myra Clark a victim of those proud, slave-holding aristocrats down there in the South? Wasn't she just a woman fighting against a whole community and hadn't she been robbed of her patrimony by the very persons to whom she had a right to look for protection and justice? We cannot penetrate into the secrets of the judicial mind, of course, but one suspects that the Supreme Court justices were influenced by some such considerations more than they themselves realized.

The appeal that came up in 1848 was the fourth to require the attention of the Supreme Court. It arose in connection with the case of Pattison vs. Gaines to which allusion has already been made. Charles Pattison was one of the numerous persons cited in the suits instituted by Myra and her husband in 1836. He had purchased and was occupying a piece of ground sold by Relf and Chew which had formed part of the Clark estate and therefore was claimed by Myra. In the lower court the decision had been unfavorable to Pattison who took an appeal to the United States Supreme Court on some highly technical grounds. The Supreme Court reviewed the case favorably to Myra and confirmed her in possession of the property in question. This was notable in the history of the Gaines case, as we have here the first piece of real estate actually recovered by the sempiternal litigant, although she had now been before the courts fourteen years and Clark had been in his grave no less than thirty-eight years. The Supreme Court was largely influenced by an affidavit by a woman named Benguerel who swore that she had known DeGrange very well and he had confessed to her that he had actually been guilty of bigamy in marrying Zulime in 1796. This evidence from the legal point of view might not seem of much value but the court considered it in connection with the testimony of Zulime's two sisters, Mmes. Despau and Caillavet, particularly the former, and seems to have felt that all three corroborated each other and thus built up an overwhelming body of proof.

In addition to passing upon the question of the sales made by Relf and Chew which the Court held invalid and upon the titles of the persons who had purchased from them, which the Court pronounced void, the Court through Justice Wayne took up the basic matter. Were Daniel Clark and Zulime Carriere DeGrange really married? This question so obviously underlies all the issues in the Gaines case that it is difficult to believe that it had not really been discussed till this time. Judge Wayne answered in the affirmative. He set the date of the marriage as 1803. He said:

By the law of Pennsylvania the marriage of DeGrange and Zulime was void from the beginning. . . . A void marriage imposes no legal restraint on the party imposed on from contracting another, though prudence and delicacy do, until the fact is so generally known as not to be a matter of doubt. Mr. Clark doubtless knew this, but from his pride and temper, as his character has been disclosed, was it not probable, not to say natural, that such a man, anticipating his return to Louisiana, would resort to the course he pursued, to keep his feelings from being wounded until a judicial sentence had restored his wife to the unequivocal position she had enjoyed before the imposition by DeGrange? We speak of the fact, not of its propriety. The latter has not our approbation, but we recognize, what we all know, that concealment is as frequently the refuge of error as of crime, and that men of the world shun more than anything else the exposure of their follies, more especially such as the world thinks bear upon the honor of the most delicate relation that a man can form in life. We think that such proof . . . is appropriate to repel the presumption of illegitimacy in this instance arising from the concealment of the marriage, or the parties not having occupied the same house . . . or the separation of the child from its mother.

"On his death bed," continued the learned judge, referring to Clark, "the cloak of concealment was thrown aside," and the dying man told the truth. Therefore the court held that Myra was the forced heir of her father and as such was entitled to four-fifths of the estate after the excessive donation in the will of 1811 had been reduced to the amount which under the Louisiana law a father

might properly dispose of, that is, the one-fifth to which Clark's mother would be entitled.

It will be observed that in arriving at its final decision the court took no cognizance of the will of 1813. So far, that had not been brought specifically to its attention. This was a decidedly curious circumstance. It gave rise to the idea that the case of Pattison vs. Gaines was not instituted in good faith. In fact, it was subsequently intimated that in this case "no earnest controversy was had," that it had been agreed on beforehand that Pattison was in no event to suffer loss, and that Myra would defray all the expenses connected with the appeal, including Pattison's attorney's fee. In 1851 when the Supreme Court was called upon to pass upon another detail in the interminable litigation, one of the justices attacked the Pattison case as "an amiable controversy." and said that collusion was "too manifest for controversy." In other words, something akin to an imposture had been practiced upon the Supreme Court. Judge Wayne brushed aside all these considerations, however, in preparing the decision from which we have quoted. The reader can judge for himself how far the distinguished jurist's personal sympathy with the "lone woman, fighting gallantly for her rights," swayed his judgment and how far he was guided by the abstract, cold-blooded, impartial rules of evidence.

The decision in Pattison vs. Gaines was effective only against the parties to the bill. It left scores of other persons unaffected whose position in the lower courts was similar to that of Pattison. Naturally, Myra was greatly encouraged by the court's decision. She went back into the Circuit Court in New Orleans and vigorously pressed the suits pending there against other holders of property purchased from Relf and Chew, which had once been part of Daniel Clark's lordly possessions. A bill against Relf and Chew which had been before the court for years was, however, dismissed. Mrs. Gaines immediately appealed to the Supreme Court. This was the affair which engaged the attention of that august tribunal in 1851 when the genuineness of the case of Pattison vs. Gaines was so dubious.

The opinion which the Supreme Court now handed down was the work of Justice Catron. He thought it necessary to go very fully into the history of the Gaines case, because, as it turned out, the decision was to traverse unfavorably every point that had so far been settled by the illustrious body of which he was one of the most eminent members. This reversal of form was all the more remarkable because the bench with one exception was the same that had passed upon the Pattison case and had then seemed so strongly prejudiced in favor of Myra Clark. We may note in passing that Judge Wayne's and Judge Catron's voluminous histories of the case were the sources upon which the court subsequently depended for its knowledge of the facts, for the record had become so extensive that it was no longer possible for any one human being to read and digest it all. Judge Catron's monograph, for instance, covers one hundred and twenty-seven closely printed pages. Insofar as the presentation of the facts is concerned we have no reason to doubt the sincerity of either Wayne or Catron. They were on the whole in complete accord on that point. It is only in the inferences which they drew from the facts that they differ.

Catron found that the marriage of Clark and Zulime had not been proven; that Zulime had been demonstrated to have been the wife of DeGrange; that the latter's bigamy had not been satisfactorily established; and that, therefore, Zulime could not have contracted a legal marriage with Clark in 1802; and that Myra was illegitimate. The court based its opinion chiefly on the behavior of Zulime in 1806 when she sued DeGrange for alimony, alleging that she was his lawful wife, which was three years subsequent to her alleged marriage to Clark.

In this connection Catron took occasion to denounce as utterly unworthy of belief the witnesses who had testified to the marriage. He said:

It is palpable that the two sisters, Mmes. Despau and Caillavet, swear to a plausible tale of faction, leaving out circumstances of gross reality. These originated beyond question in profligacy of a highly dangerous and criminal character—that of a wife having committed adultery, and been delivered of an illegitimate child in the absence of her husband. . . This child, Caroline, with the knowledge of both of the witnesses, and certainly with the aid of one of them . . . was concealed in a foreign country, where the mother went and was delivered, and then she returned to New Orleans and presented herself to society as an innocent and injured woman, and public indignation was skilfully turned against her husband for a supposed crime committed against her. This is the reality which these sisters of hers conceal, roundly swearing that they knew this child to be DeGrange's . . . .

One would think that this about-face on the part of the highest judicial organization in the land would have brought the litigation to a close. To think so, however, is to misjudge Myra Clark. One suspects that the case had become a sort of mania with her. She certainly prosecuted it with the energy and singleness of purpose of one whose mentality was fixed in certain determined molds. Having apparently lost her suit in the Supreme Court, she now for the first time in almost twenty years abandoned the federal courts and returned to the Louisiana state courts. Her attorneys seem at last to have noticed a remark intercalated by the United States Supreme Court in its decision of 1844, to the effect that "it was a matter of grave consideration" whether a United States Court might not "set up" a lost will. This hint seems to have been ignored up to this date although it pointed out the only path by which Myra could attain her goal legally.

In January, 1855, Mrs. Gaines went into the Probate Court in New Orleans and filed a petition asking that Daniel Clark's lost will of 1813 be admitted to probate. In March, 1856, this demand was refused and the usual appeal was taken. In December of that year the Louisiana Supreme Court handed down what was destined to be the most momentous decision in the whole history of this extraordinary litigation, thanks to the dexterous and perhaps not wholly justified use made of it by the appellant's attorneys.

This decision upset the decision of the Probate Court and ordered the Clark will of 1813 to probate. The reader should note, however, that the decree was limited in effect, bound no one but the actual parties to the suit, and did not declare that Myra was the legitimate daughter of her parents or recognize Myra as the heir to Clark's estate. Its effect, which was apparently all the Louisiana judges had in mind, was to restore to Mrs. Gaines the standing in the United States courts of which she had been deprived by the action of the United States Supreme Court two years previously.

Mrs. Gaines was quick to take advantage of the situation. She took her case back into the Federal courts, but it is safe to say that its subsequent development there was along lines which the learned justice of the Louisiana Supreme Court had not contemplated. Her cause was so artfully presented that the merits of the probate were never really considered. The fact of the probate and its implications were taken for granted and in this way the justices in Wash-

ington were manoeuvered into a position where on the face of the pleadings they could not well avoid endorsing all of Myra's pretentions. This compelled the Supreme Court to reverse itself again.

It was in 1860 that Myra Clark Gaines reappeared in the United States Circuit Court in New Orleans armed with the decision of the Louisiana Supreme Court. She filed three suits there against as many defendants. The Circuit Court dismissed them all and as usual, Mrs. Gaines immediately appealed. This was the sixth time that the Gaines case in one form or another had come before the United States Supreme Court and turned out to be the first time that the appellant gained there an enduring victory. Judge Wayne was the organ of the court. Here was an opportunity to vindicate himself in the eyes of his colleagues and his argument may be considered as much a personal defense as a discussion of the law and the evidence.

Wayne's decision was therefore predetermined. Now he based his reasoning on the matter of good faith. He insisted that it had been clearly demonstrated that Clark had married Zulime in good faith and that according to the law the issue of a marriage contracted by only one of the parties in good faith was legitimate and could inherit. "The law," he said, "is, that if either parent contracts marriage in good faith, the issue is legitimate . . . regardless of the fact that the parties were not legally competent to marry, and that the marriage itself is null." Thus it appeared the bigamous character of DeGrange's marriage was immaterial to the case. Wayne, however, insisted that it was bigamous.

Reverting to the previous decision of the court Judge Wayne justified its position at that time and his own present divergence therefrom in the following words:

The averment [by the defendents, that Myra was illegitimate, and therefore, under the Louisiana law incapable of inheriting] is not in response to any allegation in complainant's bill. It changes the attitude of the litigants from what it was in Gaines vs. Relf and Chew. . . . Then Mrs. Gaines had the burden of proof to establish the fact that she was the forced heir of her father. This court at that time did not think that this had been satisfactorily done, and dismissed her suit without affirming for or against the factum of marriage between her father and mother, nor could this have been done without expressly overruling our decision [of 1848]. This is the situation when Mrs. Gaines comes before us with a testamentary

declaration of legitimacy in her favor. Now . . . the burden of proof is on the defendants to show that she is not the legitimate child of Daniel Clark, and this they have failed to do.

It will be observed that the "testamentary declaration" on which Wayne relied in this connection, was the putative will of 1813 which, having been recognized by the Louisiana Supreme Court, was now accepted by the United States court as though actually existing. This was the ingenious legal fiction which with surpassing adroitness had now been buttressed by solid judicial support, although the candid reader will doubtless feel that somewhere in the process a cog has slipped. Morally and logically one senses more than one gap in the reasoning.

The Gaines case was really won in 1860. Doubtless Mrs. Gaines would have proceeded at once to cash in her claims, but the outbreak of the Civil War and the long chain of disasters, political and military, which followed made that impossible. Not till 1870 was she able to take up again the matter which had become the chief interest of her life. We shall not attempt to follow, even in the cursory manner in which we have dealt with the proceedings thus far, the maze of conflicting decisions and cross-suits which gradually arose subsequent to this date. Nor need we refer save in passing to the decision whereby in 1871 the Louisiana Supreme Court, not to be outdone by the more august sister-tribunal in Washington, reversed itself and annulled the probate of the will of 1813. Called for the first time to express an opinion directly upon the validity of that document Justice Ludeling, who was the organ of the court, said:

Forty years after the death of Daniel Clark, long after his contemporaries had passed away, Myra Clark has introduced as witnesses several women, her aunts and two or three octogenerians, upon whose testimony a will has been proved and put on record.... The laws of Louisiana do not allow a lost will to be established by dim recollections, imaginations, or invention of anile gossips.

But that decision came too late to be of service to Myra's enemies. She sued out a writ of error, got the matter back to Washington, and in 1877 the decision of the Louisiana Supreme Court was reversed. The United States Supreme Court based its action on Judge Wayne's last opinion and there was no Catron now to point out the fallacies upon which that opinion reposed. The only significance which attaches to Ludeling's decision is that it

shows that the Louisiana Supreme Court fifteen years before could not have intended to go so far in support of Myra's claims as she represented, or if it did, then the United States Supreme Court was ignorant of the Louisiana law or else was wilfully guilty of a grave perversion of justice.

There is, however, among these later suits one which requires a more elaborate analysis at our hands. This is the so-called Blanc Tract case. The whole vast litigation for which Mrs. Gaines was responsible heads up and terminates in this suit. It resulted in the one substantial victory to her credit. She had previously obtained from time to time decisions on which she had collected a good deal of money but the total could not have exceeded \$250,000 and all of that had been speedily absorbed in the expenses of new suits. But when at last the Blanc Tract case was decided in her favor the city of New Orleans paid over to her heirs (the poor lady was dead by that date!) a very large sum and that, when all is told, was what the Gaines case really amounted to.

The Blanc Tract case had to do with a piece of property in the outskirts of New Orleans covering 144 acres. It had formed part of the immense real estate holdings of Daniel Clark along Esplanade Avenue and Bayou St. John. In 1821 Relf and Chew acting as executors of his estate but specifically under a power of attorney from Clark's mother, sold the property to Evariste Blanc for \$4,760. Thirteen years later Blanc sold it to the city of New Orleans for \$25,000. The city wanted the land in order to lay out a street, build a drainage plant, and do other things for the general welfare. Four or five squares were utilized for these purposes. In 1837 the municipality tried to sell the remainder. At that moment New Orleans was in the throes of a brief and disastrous real estate boom. An over-optimistic individual offered \$553,460 for the Blanc tract but before the sale could be consummated the boom collapsed and the sale fell through. When, in the course of time, the city actually managed to dispose of the unwanted portion of its holdings, the price had fallen to \$100,000.

The litigation over the Blanc Tract can be traced back in one form or another to 1836. It was, however, interrupted in 1852 and not resumed till 1857, nor did the final verdict of the United States Supreme Court in Mrs. Gaines' favor appear on the record in New Orleans until 1871. At that time all of the property was surrendered to Mrs. Gaines except the four or five squares retained

by the city. This, too, was finally recognized as belonging to her but a lower court held that the city was also responsible for the rents and revenues derived from or owned for the use thereof and eventually the total amount due was officially placed at \$1,925,667. This was computed on the basis of the value placed on the property in 1837 in connection with the abortive sale of that year. Mrs. Gaines included interest for forty-six years with interest on that interest, to a total of \$566,707. Naturally there was much court action before these amounts were satisfactorily adjusted. Not till 1890 when for the third time the matter came before the United States Supreme Court was there a definitive ruling on the subject. The Supreme Court then found for Mrs. Gaines an amount substantially equal to her claim. That really brought the Gaines case to an end.

As for Mrs. Gaines, she derived no advantage from the Blanc case. With regard to the part thereof other than the three or four squares involved in the long controversy with the city of New Orleans, we have what may be regarded as her own statement that she received no benefit whatever. This statement occurs in a volume on the *Great American Fortunes*, published three years before her death. The data could have come from no other person than Mrs. Gaines.

The suit . . . related to a section of land on which were residing four hundred families, inhabiting the property which they had bought from the city. They had procured counsel to defend their homes, which was quite natural, but some had gone far beyond this, and endeavored to do her bodily injury; yet when she had gained this suit and it was within her power to evict these people, and though she was actually in great need at the time, what did she do? Turn them out, or sell them out? No: this is what she did: when the representatives of a Baltimore syndicate proposed to her to buy this property for business purposes, offering for it several hundred thousand dollars, she first asked what they would do with the property if she should sell it.

"Take possession of it, of course," was the answer.

"In other words, you would deprive these people of their homes?"

"We should be compelled to do so, Madame."

"Then I decline to sell it, for I have made a vow to my Heavenly Father that if He would sustain me in this great battle, which has now lasted over forty-six years, I would devote the remainder of my life to doing all the good I could with my money. He has answered my prayers, for I see complete victory plainly before me, and rather than violate my oath, I would give my everything and beg my bread from door to door."

To other would-be purchasers for the combination, she said: "Gentlemen, this is a large sum to offer a woman who is living on what she can borrow from time to time at an exorbitant rate of interest. Let me state the facts in the case. The people who occupy this property bought it in good faith from the city of New Orleans, which guaranteed the titles and promised to refund the money with interest if the titles were found to be defective. Now, suppose that the city should say to them, as it has said to me, 'We cannot come to the relief of those people, because the treasury has been depleted by Northern carpetbaggers,' what would be your course?"

The answer being to the effect that they would be obliged to dispossess them, her ultimatum was announced that she would not sell to any parties who would break up these homes, yet at this very time she was depriving herself of every little luxury suitable to her age, living on fifteen cents a day—too poor to even ride in the streetcar. But she made no complaint, and she never attempted to draw the slightest revenue from

this valuable property.

Shortly after her refusal to sell, she made a visit to New Orleans, and these four hundred families appointed a deputation to wait upon her and thank her for her generosity and forbearance and, perhaps, too, to secure a continuance of them. Her reply was characteristic: she could forgive, but she could not forget, she said. "You have persecuted me for more than forty years as I hope no other human being has ever been persecuted, or ever will be. Four attempts have been made upon my life, and I have suffered greatly in heart and mind. Yet, notwithstanding all this, mercy now asserts itself in my soul, and I say to you, in this hour of triumph, that I freely forgive you. Return to your homes, and in due time, I will bring an appeal to the city of New Orleans to give you a full and free claim to your property, as it guaranteed to do."

This appeal, if it was ever made, was still pending at the time of Mrs. Gaines' death. The writer in Famous American Fortunes, concludes her narrative with the remark: "The city has not as yet made good these titles, still alleging poverty, but still they [the occupants of the Blanc tract] feel perfectly secure, knowing that Mrs. Gaines will never turn them out of their homes." It may be objected that the whole episode as given above, reflects rather too much credit upon Mrs. Gaines' goodness of heart. It is, in fact, at odds with the ruthlessness with which she prosecuted her cause

in court. But that is no good reason to reject the story absolutely. There is apparently nothing in the court records and certainly nothing in the contemporary newspapers to substantiate it. But, then, it was not the kind of incident which would find a place there. We may assume that insofar as this particular piece of property was concerned, Mrs. Gaines at the close of her long and stormy life had gained nothing.

Nor can she herself be said to have benefitted from the Supreme Court decision of 1890. When it was delivered she had lain five years in her grave. She died on Friday, January 9, 1885. She had been for some weeks a guest at the home of Mrs. L. L. David at 150 (now 1120) Thalia street. Here the end came. This house which is so interesting for its connection with her romantic story still stands, a shabby, two-story frame structure on the upper side of the street about midway betweeen Camp and Magazine. Mrs. Gaines was prostrated on December 27—on her birthday, as she computed her age—by a violent cold which settled on her lungs, and her condition speedily became such as to alarm her friends. She was entirely conscious till the last and courageously declined to subscribe to the idea that life was drawing to a close. With a last flash of the indomitable will which had animated her throughout the vicissitudes of her remarkable career she insisted that she would triumph over the weakness of the flesh and rise again from her sickbed to complete the work to which she had dedicated her career. Dr. W. H. Holcombe who was one of New Orleans' most picturesque characters was in attendance. On the day preceding her death she received the religious consolations proffered by her old friend, Reverend B. M. Palmer. With her in her last moments was her son-in-law, J. Y. Christmas of New York. He caused her remains to be removed to that city where they were laid to rest.

Of Mrs. Gaines' five children, none were left to mourn her death; two were lost in their childhood, one daughter died at the age of sixteen, unmarried, and another daughter married Mr. Christmas and died leaving several children. Her only son grew to manhood and married but was shot and killed by a brother-in-law, whether accidentally or not, was never made certain. These successive bereavements were severe trials to the mother, particularly the tragic death of her son, "but her cheerful, hopeful Gallic blood enabled her to bear up with unwonted vigor under these accumulated misfortunes." She left six grandchildren—William Wal-

lace Whitney, Myra Clark Whitney, and Zulime Whitney, married to a man namer Somers, William W. Christmas, James M. Christmas and Rhoda Christmas, who married C. A. Kennedy in 1890. They were all descended from Myra's first husband, Whitney, as she had no children by her second marriage. These grandchildren resided in Brooklyn, New York, and towards the end of her career Mrs. Gaines lived in that city in order to be near them. She established a legal residence there, a fact which had importance in the final stages of her litigation when she herself was no more.

It was not destined that Mrs. Gaines should close her eyes upon the world and at once cease to figure in the courtrooms where she had so long been a hibituée. A strange situation developed when her succession was opened after her demise. Her estate consisted almost entirely of the as-yet-unsettled Blanc Tract claim. Two days after Mrs. Gaines' death a woman named Evans offered for probate in the New Orleans Civil District Court what purported to be an olographic will executed by the decedent on January 8, 1885. At the same time another will dated January 5, 1885, was similarly presented by W. H. Wilder and Mrs. Gaines' son-in-law, Christmas, who were named therein as executors of her estate. Wilder and Christmas opposed the Evans will on the ground that it was forged. To this Mrs. Evans replied that the Wilder-Christmas will was defective in form as well as ancient in date. Here then was apparently the beginning of a new litigation promising to be no less lengthy and complicated than the one so long identified with Myra's name.

The Evans will, had it been admitted to probate, would have given that person one-third of the Gaines estate "after my excellent friend, Mrs. Juliette Perkins" (Mrs. Jones' mother) had received a legacy in real estate; the residue to be divided among Mrs. Gaines' grandchildren. It seems that in 1870 Mrs. Evans and Mrs. Gaines became close friends but a few years later this intimacy declined and some years prior to her death Mrs. Gaines "lost confidence in her." Mrs. Evans' own story of the will was obviously fictitious. She said that on the day preceding Mrs. Gaines' death she had made repeated efforts to see the invalid but had been denied admission to the Davis' home. On her last such attempt a woman "dressed in shabby black, with a black veil tied on her head," came to the door and thrust into her hand a packet wrapped in a hand-kerchief which the apparition said Mrs. Gaines wished her to have.

Upon going home Mrs. Evans opened the packet and found the will in it. She did not recognize the messenger at the time but subsequently discovered that she was a person named Bradley.

The case was tried on February 21, 1885. The Evans will was rejected. Mrs. Evans carried the case to the Louisiana Supreme Court where in the following March Justice Poché affirmed the judgment of the lower court. Mrs. Evans was subsequently indicted for forgery but fled the country and was never heard of again.

The Wilder-Christmas will was set aside at the same time as defective in form, insofar as the requirements of the Louisiana law were concerned but that did not affect the right of the executors to probate it elsewhere which was eventually done in Brooklyn. Suddenly Christmas died and there ensued some court proceedings before his successor could be appointed. Mrs. Gaines' grandson, William Wallace Whitney, was finally selected for the place. In August, 1892, the Brooklyn courts authorized the public administrator to sell Mrs. Gaines' estate, consisting almost exclusively of her claim against the city of New Orleans in connection with the Blanc Tract. This official accordingly filed an application in Louisiana asking to have the assets turned over to him. He was opposed by Mrs. Hattie L. Whitney, widow of Mrs. Gaines' late son, on behalf of her minor children. This suit found its way into the Louisiana Supreme Court which did not reach a decision till October, 1893, and then the settlement of the estate was delayed by some further litigation concerning the transfer of the residuum of the succession to New York and not till February, 1894, was the matter finally disposed of. One would like to know precisely how must each of the heirs eventually received, but all we know is that the sum which at last became available was greatly diminished by these additional court charges and that at the end of the business they received much less than one might otherwise imagine considering their own number and the size of the sum involved.

One is naturally curious to know what Mrs. Gaines looked like. Fortunately, one of her counsel, Judge J. Carroll Payne, in an address delivered before the Georgia Bar Association many years ago put on record his impression of this remarkable woman. "She was under five feet in height," he says, "thin, wiry, with small, bright restless eyes, very red hair streaked with white and worn in bunches of little curls on either side of her forehead. She was always dressed in black with black mitts upon her hands, carrying with her a large

black bag in which were papers connected with her many suits. Energetic in her movements, exceedingly well posted upon her cases, with a masculine mind, and enormous power of perseverance and resistance where obstacles presented themselves, she was a woman remarkable indeed."

In conclusion, we must ask and attempt to answer the question which doubtless has been in the reader's mind from the beginning of this strange, true story. Was Myra Clark Gaines an imposter? She was, but an unconscious one. It is impossible to doubt her sincerity but it is also impossible to plough through the testimony adduced in any one of the suits with which she is identified, without coming to the conclusion that the Gaines case was just what Janin called it so many years ago—"a rank fraud." Unfortunately the space at our disposal here does not admit of more than a cursory review of the facts on which that opinion is founded. To do more would entail a resumé of the evidence which the United States Supreme Court at last found too voluminous to read. That, obviously, would be far more than could be undertaken here and now.

The fundamental point of the whole matter, however, is clear enough. It is this: Was Zulime Carriere married to Daniel Clark and was that union a legal one? The Supreme Court of the United States answered in the affirmative but its view was influenced chiefly by the failure of Mrs. Gaines' adversaries to make out a positive case to the contrary. We, however, upon whom no such responsibility rests as it did upon that tribunal, may take a less rigid view and say that at the end of the whole interminable controversy, those two essential facts remain as intangible as they were at its inception.

The argument against the marriage is based partly on Clark's own character. His partner, Coxe, testifying in 1844, said:

I do not believe that Clark, standing in the business and personal relationship of unstinted confidence which he did to me, would have been married in the city of Philadelphia, or anywhere that I was, without his informing me of it and inviting me to the wedding. Such a thing is, of course, possible, but I can imagine few events in life less probable.

Others testified from time to time that Clark was not the kind of man to represent himself as unmarried when as a matter of fact he was not only married, but a parent. Still more convincing, however, are Clark's own words. Writing in 1806 to his sister, Jane Green, in Liverpool, Clark stated categorically that there was no Mrs. Clark and that it was his intention "to remain single." There is also a letter written by Clark in 1807 or 1808 in which he speaks of offering marriage to a lady in Baltimore, a Miss Caton, who subsequently became the bride of the Marquis of Carmarthen and died as Duchess of Leeds. This match was broken off because Clark did not agree to the requirements of the Caton family regarding financial settlements, but nothing was ever said about his legal incapacity to wed, if any such thing existed. It is impossible to believe that Clark, who was an honorable man, according to his lights, would have dared to propose to Miss Caton if he were already married. To do so was to contemplate bigamy; and to venture upon that sort of deception with persons as prominent and powerful as the Catons, would have been an act of gross folly.

Nor is there any indication that Zulime regarded herself as Clark's wife. She never assumed his name in New Orleans. She was regarded in that city simply as Clark's mistress. Although she was the person best able to testify on this subject, she was never put on the witness stand although she resided in New Orleans for nearly fifteen years after the Gaines litigation was begun. Moreover, in 1805 she sued DeGrange for alimony, referring to herself in her petition as "his true and lawful wife;" although, according to her daughter, she had been married for three years to Clark. Two years later she married Dr. Gardette, a step which she could hardly have taken, had she regarded herself as legally wedded to Clark. She was doubtless a fool, but it is inconceivable that hers was so infantile a mind as not to understand that to marry without being divorced from a living husband was an act which invited criminal prosecution and punishment. Returning to New Orleans from France in 1831 Zulime lived there till her death in 1853, without anybody ever attempting to prosecute her for the bigamy of which she was guilty, if we are to believe Myra's sworn statements.

There can be no doubt that Myra was Clark's and Zulime's daughter. But was she their legitimate child? If she was, how could Clark have made the 1811 will ignoring her existence? What was his object in creating at that very time in the hands of Bellechasse and others "blind" trusts in her favor? Under the laws of Louisiana a legitimate child was automatically entitled to four-fifths of her parent's estate; but the offspring of an adulterous union could not, under the code, inherit more than sufficient for her

physical maintenance. Clearly, Clark's object was to provide for one for whom he knew he could not otherwise care in the liberal manner in which his affection, and perhaps his remorse suggested.

But, it will be objected, in the 1813 will Clark expressly recognized Myra as his legitimate daughter. We cannot go into the argument against that will in the brief space available here. All we can do is to cite a letter written by the celebrated Louisiana lawyer, Etienne Mazureau, in 1842, in which he describes a visit paid him and Edward Livingston thirty years before by Clark in quest of advice about making a will in which his "illegitimate daughter," Myra, would be provided for. These two eminent lawyers told him that no such will could be made legally.

Mazureau's letter did not appear in the record of the case till 1849 and was not supported by adequate testimony, although its author was alive in that year. Although it thus had no evidential value in law, it has much for us who do not have to subscribe to the rules that limit courts and judges in such matters. Mazureau's memory was at least as vigorous as Mme. Despau's, and where they clash, it would seem the part of prudence to side with one of the strongest, clearest and best-trained intelligences that has graced the bar of Louisiana.

It must be assumed, then, that Clark's will of 1813 was a pious fraud, prepared in a last desperate attempt to safeguard the future of the little girl whom he passionately loved. In fact, according to the testimony of Delacroix, one of the executors of that will, Clark did actually confess so much to him. Moreover, when finally admitted to probate, the will was established mainly on the testimony of Mme. Despau; who was born in 1777 and was therefore at least seventy-nine years of age at the time of the probate. At that age, when memory is usually growing hazy, she recollected with photographic accuracy the phraseology of a document which she had seen but once, at least forty years previously, which is too remarkable to be believed.

On the other hand the courts were influenced by Mrs. Despau's assertion that she was present at the ceremony that made Zulime, Clark's wife. The justices in Washington held—what is undeniably sound doctrine—that a score of hearsay witnesses "would not be sufficient to impeach the testimony of a single eyewitness swearing positively to the validity of the marriage." But, alas! Mme. Despau

was equally positive about Zulime's marriage to DeGrange and to Gardette. If she were to be believed, Zulime had three husbands all alive and well at one time, without having been judicially separated from any one of them.

Moreover, a word must be said concerning Davis whose conduct in the premises, in our opinion, is explicable only on the assumption that from the beginning he knew of the stain on Myra's escutcheon and strove to protect her from the contumely which the world ordinarily visits upon persons of dubious ancestry. That he kept her in ignorance of her true paternity till her marriage is inconsistent with any idea but that in his affection for her he wished to spare her shame and grief. She was married from his home and under his name. At that time he turned over to her the property that had been entrusted to him by Clark and could have had no motive to deceive her as to any additional inheritance that might be due her. He must have known that under the Louisiana law she had no right to Clark's property. He was trying to keep her from a foolish adventure. That he did not succeed in preventing her from embarking upon the litigation which has conferred a pallid sort of immortality upon her and that, at long last, this litigation was terminated in her favor, has nothing to do with the matter.

Therefore, we conclude: there can be no question of Mrs. Gaines' good faith nor that of the judges who passed on her claims, and yet she was an imposter and they were instrumental in bringing about a notable miscarriage of justice. Events unquestionably played into her hands. She had no success so long as the friends and acquaintances of her parents lived and so long as the judges were familiar with the background of the case, other than those explicit in the record. But they died off and the case continued. Prejudices faded and the spectacle of a lonely old woman battling for her rights appealed to the chivalry of an ever-widening circle of sympathizers; until finally, almost as one might say by sheer momentum, she emerged victorious.

A strange story—the strangest, as Justice Caton said so many years ago, in the history of the American courts!

# THE AUTOBIOGRAPHY OF GEORGE MASON GRAHAM

Contributed by his grandson, Dr. G. M. STAFFORD.

George Mason Graham was born on the 21st Aug:t 1807, at the Seat of "Lexington", on the Potomac River, in Fairfax Co:y, Virginia—about 25 miles below Washington—His mother was Elizabeth Mary Ann Barnes Hove, of "Barnesfield" on the Potomac ("Hove's Ferry") in King George Co:y, widow of Mr. George Mason, eldest son of Colo: George Mason, of "Gunston Hall", the Revolutionary Statesman, who on the marriage of his son gave him one half, 3000 acres, of the "Gunston Hall" Estate, on which he built his Residence, naming it "Lexington" in commemoration of the Revolutionary Battle of that name—

His father was George Graham, eldest child of Mr. Richd Graham, a Scotch Gentleman and Merchant of the Town of Dumfries. in Prince Wm. Co:y, of which Town he was one of the founders with other Scotch Gentn, and which became a very considerable Tobacco Port, and place of wealth, until the washings from the Bull Run Mountains filled up the channel of the Quantico, on which it was located, destroying its navigation—This Gentn Married one of the four Daughters of Mr. George Brent of "Woodstock" in Stafford Co: Va., whose eldest Daughter, Sarah Brent, was the 2nd, and childless, wife of Colo: George Mason of "Gunston Hall", whither she took with her her nephew George Graham, the greater part of whose boyhood, & schooldays were passed with the nine children of Colo: Mason's 1st marriage—His education was completed in Columbia College, N.Y.City—He was subsequently a Lawyer in Dumfries. Representing the County in the Gen: Assembly, in which he met, made the acquaintance of, became known to, Mr. Madison, Mr. Monroe, & other eminent Virginians of that day, the whole Brent family of that day, then numerous, wealthy, & influential, belonging to the Jefferson Republican, subsequently the Democratic Party of that day-One of them, "Dick Brent", being the colleague of Wm. B. Giles, in the U.S. Senate, during which he died, in 1815 or '16. cannot recollect which, though I well recollect being taken to attend his funeral, from "The Old Capitol" as it was subsequently called-

My Mother dying in May 1814, my little sister, (who subsequently acquired a very extensive reputation as "Sr. Mary Bernard" of the Convent of the Visitation, in Geo: Town D.C.) and myself were transferred to the family of my father's younger Brother Mr. John Graham, in Washn, chief clerk of the Dept: of State, of which Colo: Monroe was Sec:y, my father being then "in the field", as Captn of "The Fairfax Light Horse", in which Wm. H. Fitzhugh of "Ravensworth", the Maternal Uncle of Mrs. Gen: R.E. Lee, the wealthiest young man of his Day in Va., was a Private—in the Autumn of that year he was himself called by Colo: Monroe, who after the evacuation of Washn by the British forces, and the enforced retirement of Gen: Armstrong from the position of Sec:y-at-War, assumed the duties of the War Dep:t also, to aid him in its Administration as Chief Clerk (virtually its Sec:y) in which position he remained to the close of Mr. Madison's Admn, when at Colo: Monroe's instance he became acting Sec:y-at-War, under a special act of the Congress for that purpose, during the first six months of his Admn, until the appointt of Mr. Calhoun as Sec:y-He was then elected Prest of the Branch of the U.S. Bank in Washn, but continuing to be employed by Colo: Monroe in the service of the Gov:t whenever he found occasion to do so—Among others, he was sent out here in 1818 to find, & ascertain what Gen: Lallemand (one of the French Gen: ls of the First Empire) was doing in Texas, where, on the Trinity River, he had raised the French flag with 600 French soldiers; followed him from his encampment down to Galvezton Island, where he also found Lafitte strongly established, and induced them both to recognize the authority of the U.S. Govt, & its Sovereignty, and to consent to quietly abandon the Territory, under the safe-guard granted them by him from interference by U.S. forces-Made the entire journey from Washington, & back, on one, & the same, horse, accompanied by a single negroe servant-

Another service in which he was employed, that I can recollect, was the winding up of "The Indian Factorage System", which had cost the Govt a great deal of Trouble & expense after the close of the War of 1812/14, from which he collected and paid into the Treasury \$113.000—

Finally he was appointed by Colo: Monroe Comsr of the Genl Land Office, in which he remained until his death in August 1830, during the Admn of Genl Jackson—

My father's younger Brother Mr. John Graham, after being employed by Mr. Jefferson as Sec:y of the Territory of Orleans, for

a while, and as Sec: y of Legation to Spain, was called by Mr. Madison to his aid as Chief Clerk of the State Dep:t in which he remained to the close of Mr. Madison's Secretaryship, who on the day before his own inauguration as President, wrote, & put on file in the State Dep:t where it still remains, a most beautiful Eulogy on Mr. Graham's character, worth, and value to the Country, urging his successor in the State Dep:t not to loose his services to the Govt & the Country—and after serving on two Commissions, I think, to see into the condition of the Spanish-American Provinces, he was appointed Minister-Plenipotentiary to the Court of Portugal, then residing in Rio-de-Janeiro, the climate of which Country undermining his Constitution, he returned home, in 1820 I think, only to die-He was the grandest-looking man I ever saw, and he and his magnificent wife, who was his Cousin, being a niece of Senator "Dick Brent", were the admiration of Mr. Madison's "Drawingrooms", as the Evening Levees at the President's House, were then termed— His branch of the family name became extinct by the childless deaths of his three Sons, the second, in age, of whom, John Clement, in the U.S. Navy, died from the effects of a Pistol-shot wound recd in a duel with another officer in the Navy-The third Richd Hill, a 1st Lieut U.S. 4th Inf:y, mortally wounded in Battle of Monterey, Mexico, where he died-The eldest, & last survivor, George Wm., married a Daughter of Judge Wm. Gaston, of N. Carolina, who died childless-

The same was the case with their youngest Brother, Major Richd Graham U.S. Army-Aide-de-Camp to Gen: Wm. H. Harrison-who being left out in the reduction of the Army in 1815, was appointed an Indian Agent, with residence in St. Louis where purchasing a farm, in the Florisante Valley, to which he removed his portion of the slaves & other property on the farms at Graham's Station on the Ohio River, in Lewis County, Kent: y, he subsequently married the eldest (of seven) Daughter of Mr. John Mullanphy a wealthy (Irish) citizen of St. Louis, of which marriage there were two Sons & two Daughters—Both the sons & eldest Daughter, Jane, died single-The youngest Daughter, Catherine, familiarly called Lily, was the 1st wife of Gen: D.M. Frost U.S. & C.S. Armies, and left 6 Daughters & 3 Sons, all of whom are living-Major Graham had first married, in Kent:y, a Miss Fox, who had two Sons, Richard, the younger, died unmarried-John, in U.S. Navy, married the eldest Daughter of Major Cary Selden, of Virga, U.S. Naval Store Keeper, at Washn City, the only surviving child of which Marriage

is the wife of Judge John Wickham, of St. Louis-But the familyname of Major Graham's Branch of the Dumfries family, is extinct-My school-boy days were passed in various schools in Washington & George Town in which latter place, when learning the Clssics, I attended, 1st the School of Dr. Carnahan, subsequently for such a length of years-35 I think-Prest of Princeton College-2nd that of Revd Stephen H. Tyng, who subsequently became so famous as a Preacher in Phila & N. York—until June 1823, when on a warrant voluntarily given me by Mr. Calhoun, as a compliment to my father I suppose, who was a very devoted admirer, friend, & supporter of Mr. Calhoun, I entered the U.S. Military Academy at West Point, but from which I resigned in April 1826, and went to the University of Virga from which I withdrew, not uncreditably, in 1828, in the autumn of which year my father sent me out here, to Rapides Parish, to see into the condition of, and causes of the unproductiveness of a cotton plantation, which in March 1823 he had sent 80 negroes & much personal property from the farms at Graham's Station, in charge of Judge Josiah S. Johnston, then one of the Senators from this State, to establish with that Gentleman a Partnership plantation on the Bayou Boeuf at the debouchement from it of the Bayou Lamourie—That cause was evidently in the fact that Judge Johnston never residing in Loua any more after his return to Washn in Novr 1823, the plantn was left to the management of overseers altogether—I remained on it until July 1829 when I returned to Washn, and was sent back in Novr with authority & instructions to discharge the overseer if I found it advisable to do so, and take charge of the Plantn myself, which I had to do, and was fortunate in the spring of 1830 in getting a good & reliable manager, so that at the close of July of that year I was able to set out on my return to Washn, in company with Judge Johnston who had come out to Loua after the adjournmt of the Congress that spring—But at Columbus, Ohio, having had to travel by stage from Smithland, at the mouth of the Cumberland River, to Washington, we met the intelligence of the death of my father on 10th Aug:t—There never having been any written contract of partnership between him & Judge Johnston, no provision had been made for either the continuation or dissolution of the partnership— But my father having married again, in June 1825, left a widow & 3 infants, who desired to have her interest in the Estate separated—Administering on the Estate both in Washington & here, the Judge & myself kept it together, under by management, until I made the crop of 1831, which, like that of 1830, having been a very

good one, the partnership was entirely relieved from debt, and we divided it. I buying his half of the land, the negroes & personality divided in kind, my intention being to keep the Estate's half of them on the plantn in an undivided condition, paying the widow hire for her children's 3/5, deeming it the best for their interest, but after I had pitched the crop of 1832, and commenced its cultivation, I found myself compelled to sell the land to Mr. John Linton, our Factor in N. Orleans, who owned a large adjoining estate, and hire him the negroes & personality for the remainder of the year, at the end of which I bought the plantn of the then deceased Colo: Charles T. Scott, a mile below Cotile Landing on Red River, the only tract of land that was to be bought, or sold, that year in the Parish—In the winter of that year, 1832/3, Mrs. Graham came out here, and preferring to have her children's negroes sold, it was done-My father's Maternal Grandfather, Mr. George Brent, went, as his father, Robert, had done before him, to the Island of Bermuda for his wife, and remaining there for sometime after the birth of their first child, named Sarah Brent, her Bermuda Grandfather gave her a little negress named Codger, who was brought to Virginia with her on the return there of Mr. & Mrs. Brent-This child, late in life, became the 2nd wife of Colo: Mason, of "Gunston Hall", after whose death, declining to take any interest she might be entitled to in his Estate, she took only her own servants, Codger, & her descendants, and returned to Dumfries to reside in the family of her sister Mrs. Graham, to whose 4 children she bequeathed them--And from that one little negress, Codger, were descended all the negroes my father, his two Brothers, & Sister owned-Those of their Sister Mrs. Andrew Ramsay, remained in and around Dumfries, Alexandria, & Washn, hired out, or hiring themselves, until they have become almost entirely extinct—Those of the three Brothers were gradually, and at different times, sent over the Mountains by their father & themselves to lands they had acquired on the banks of the Ohio River in Lewis County, Kent:y, known in those days as "Graham's Station", whence Major Richd Graham transferred his to the Florisante Valley near St. Louis, where in 1833 they were more than decimated by the Cholera—In 1823 my father sent his down here, 80 in number, those of his Brother John's Estate remaining at the Station until Novr 1834, when his eldest son, George Wm., brought them down here, with a view to locate, but unable to find a place in the Parish for sale that year, sold them in a body to Capt John A. Texada—Codger accompanied one of the early emigrations to the Ohio, and died there in 1825,

with a full mouth of new teeth, her back hair, which was long & wavy, became entirely black, after having been perfectly white, and readily able to distinguish a hog from a sheep across the Ohio River, as was told me by the gentleman, Colo: Chauncey B. Shepherd, who rented the farms, and the negroes who remained there after my father's left, when I came there in autumn of 1828 on my way here—During the long years of their residence there, commencing at a period when they had to live in "Block Houses", and keep their Rifles near them as they hoed their corn, as protection against the Indians still occupying the Ohio Territory, to the removal of the last of them in 1834, but one of them ever absconded, and he went back into the interior of Kent:y, to Lexington, and not into Ohio—

After establishing myself on Red River near Cotile Landing (now the Town of Boyce) I returned to Washington where on 2nd October 1834 I married the Eldest Daughter of Mr. Richd Smith, the Cashier of the Branch of the U.S. Bank there, from its first organization to its close, and brought Her and My Sister out here to reside with me in, literally, my "Log Cabin", stopping a month at Maysville, Kent:y (whither we had to journey the entire distance from Washington by Stage Coach), to settle the mixed affairs of our two Estates with my Cousin, who followed me in a few weeks with all his negroes—

My Wife dying on 9th Decr 1835, leaving an infant which followed in a month, I was like a man at the end of his row in Life, under the influence of which feelings I sold my plantation (which had paid for itself in the three crops I had made on it), and my Sister's negroes to my neighbour, and kind friend Mrs. Amy Blanchard, and her son-in-law Captn Nathl Green Wilkinson, U.S. Army, and my own negroes, in a body, to I.R. Mead, another neighbour, and returned to Washington City, rambling about aimlessly, returning here every winter, in order to maintain my Domicile, & collect my Interest, until Jan:y 1842, when, tired of doing nothing, my friend Gen:l Sprigg induced me to join him, as an equal-Partner in the purchase, which he had just made, of this Tyrone Plantn on the Bayou Rapides—

A Madison & Monroe Democrat, from the associations of my Boyhood and early life, I naturally became an Adams & Clay Whig, supporting that Party to the extent of my ability, and was earnestly desirous for the nomination & election of Mr. Clay as suc-

cessor to Mr. Van Buren-The State Convention of the Party, which met in N. Orleans, named me as one of its Delegates to the National Nominating Convention of the Party to meet at Harrisburg, and I proved, most unfortunately for the accomplishment of our wishes, to be the only one of our Delegates that was able to attend. That necessitated my being the Representative of the State in the Nominating Committee of States, in which on the 3rd day of its session I voted against the Motion of Mr. Watkins Leigh of Virga, the leader of the Clay Party in the Com: "That the Com: rise & report to the Convention its inability to make a nomination"-This I did because I had heard Mr. Chandler Starr, the organ of the N. York Delegates in the Com: who had all along voted for Gen: l Scott, say very emphatically, as we were assembling in the Com: room that morning. "Mr. Clay is gaining—He is gaining in the N. York Delegation", which made me confident that the threat in Mr. Leigh's motion, would induce the casting of that entire vote for Mr. Clay, and give him the nomination, if one more vote could be taken in the Com: And because I felt equally confident, from the spirit I saw manifested in the Body of the Convention before the organization of the Nominating Com: that if we returned to it with such a report, the Convention would break up, every probably in a row, without making any nomination, thus presenting to the Party, and to the World, a most ridiculous farce, ensuring the election of the Locofoco Candidate—The vote on Mr. Leigh's Motion, in the Com: was 30 to 31 and lost—So another nominating vote was taken, in which the entire vote of N. York, previously divided, was cast for Gen: Harrison giving him the nomination, to the greater chagrin, disappointment, & mortification of no one, (under the circumstances in which the vote placed me) than myself, notwithstanding the high admiration, esteem, & regard that I entertained for him personally, which, Clay & Scott out of the way, would have led me to vote from him in preference to anyone else in the entire Whig Party—

When in the first days of May 1846 the tocsin of the War with Mexico was sounded, and the arrival of a Boat at Alexa brought us the intelligence that Gen: I Taylor had made a requisition on the Govr of Loua "for a Brigade of 4 Reg:ts, to be called out for the longest period allowed by Law", in an instant conferrence between Gwinn Harris, James A. McWaters, James T. Flint, & myself it was determined that "Rapides Parish must send a Company" and going directly to the Printing Office, had circulars printed and dispatched out into the Country, calling a meeting for

the second day-Wednesday-after that, at which the attendance was so large that a Company of 89 young men, and one old one, Daniel James, who though over 60, insisted on going, and was made Color Bearer, was at once enrolled, and organized by the election of its comd & non-comd officers, myself the Captn (without any candidacy whatever on my part, but because of my having been in the U.S. Military Academy, and of the fact that I had in the Spring of 1843 organized and drilled "The Rapides Horse Guards", which it was deemed prudent to do in view of the alarming occurrence here a few years before—Enroute to, and in N. Orleans, we were joined by 1/2 doz: more men—The Govr, Isaac Johnson, in his patriotic zeal & haste, had, in his Proclamation, called the men for six months—I happened to be aware that the U.S. Law only authorised their being called for three months, and so told our men here, and drew our volunteer Paper in accordance with the Law and Gen: l Taylor's requisition, to be altered if on reaching N.O. I was found to be in error-But the Govr, though then aware of his error, insisted on our coming in under his Proclamation, or not at all, and Gen: | Gaines sanctioning it, we re-volunteered for 6 months, were mustered into the service, and embarked & sailed at two o'clock in the night of 11th May, on the steamship Alabama for Point Isabell, to find the fighting all over before we got there, and no immediate prospect of its renewal-And we had not yet gotten accustomed to the discomforts of an idle camp-life when came Gen: Scott's letter to the President that the 6 months men could not be held to service for a longer period than 3 months, accompanied by an order from the Sec:y-at-War to Gen: Taylor to discharge all of the 6 months men at the end of 3 months who should not be willing to re-enlist "for 12 months or the War" under a new Act of the Congress passed for the occasion, which, with no prospect of a battle ahead of them, the whole six Regiments, to which the Loua Brigade had swollen, almost to a man, declined to do, only enough to form one Co: volunteering from the whole Brigade—After seeing my Co: transported from the encampment 45 miles above Matamoros down to Brazos Island, packed up & prepared for re-shipment to N. Orleans to be there mustered out of service, I took leave of them and returned to Matamoros to join Col: (afterwards Brigr Gen:1) John Garland, com:d:g a Brigade of U.S. Troops, who had invited me into his staff as a Volunteer Aide-de-Camp, for I was desirous to see something, before returning home, of the Management, Maintenance, & Marching of an Army, and the fighting of a Battle, and remained with him more than a month after the Battle of Monterrey (in the course of which, and whilst in the Town, a ball buried itself in my horse's left shoulder just in front of my knee, which would have been buried in the back of Lt. John Pope, U.S. Topographical Eng:rs, (since so famous for his "Head-Qrs in the Saddle",) had he not barely an instant previous dodged under my horse's neck, and placed himself on the right side—and but a few moments after that he stumbled on the dead body of his own immediate Chief, Captn Williams, of S. Carolina, who had been a Cadet, & roommate, with me at West Point-What a Keleidescope is Life!) and until after the death of my young Cousin, 1st Lt R.H. Graham, 4th Inf:y, who was mortally wounded whilst com:d:g his Co: in the morning of the 1st day's fight-when having seen all that I wanted to see (and much that I didn't want to see) I returned home, accompanied by an attack of Yellow Jaundice, to find my old friend & neighbour on the Bayou Boeuf, and Partner in this Plantation, Captn Mulhollon, to whom Gen: Sprigg had sold his 1/2 of it in 1845, and who was helplessly paralysed when I left here, Deadand only 80 B/C made on 500 acres of land with 60 Cotton Pickers-

Septr 7th 1847 I married the eldest Daughter of Captn N.G. Wilkinson, who died on 19th March 1855, leaving three Sons & one Daughter, the eldest of whom, Lieut Donald George of Captn James C. Hill's Co: in Weatherly's Battalion C.S.A. died of the consequences of Camp life & Camp fever, on 17th Decr 1866—The other three are living, married, and have children—

II

On the death of my wife, in 1855, the widow of my eldest 1/2 Brother George Mason, the 2nd of "Gunston", and my own kinswoman of the Brent Stock, came to reside with me, taking charge of my children & household (on the settlement of Captn Mulhollon's Estate I had purchased his 1/2 of this plantation, and so had become the owner of the whole of it)—In June 1867 she and I went to pass the summer in Alexa, Virga, in order to have my ch:n, who were then at school near there, with us, and to see after some property-interests of her own there, and there she died on 10th July -Her death and the situation of my children & myself, necessitated my marrying again, and at once—And on 2nd Octo: 1867 I was married, for the 3rd time, to the childless widow of one of my family Relatives there; returning here in Decr-One child, a Daughter, ensued from this Marriage—On 9th Octo: 1868, galloping rapidly in company with my wife and another lady, I was completely paralysed by the head-foremost fall of my horse, my head striking the ground with great force, and I am still suffering

greatly from the consequences of it, & increasing age, being today, 21st Octo:, 2 months in my 83rd year—in 1869, in that helpless condition, my children came home to see me, & the eldest remained—

The result of the War to me, individually, was entire & absolute ruin-overrun by both Armies in 1863 & '64, 597 B/C were burned by them, not one blade of fodder or ear of corn, nor any living thing, left on either of my two plantations, separated only by the Highway from Alexandria to Texas & to Shreveport, except one old negroe & his wife, my Sister's Carriage Mules, and my 3 little boy's Ponies saved by keeping them in the lower half of my house, with battened doors & Windows, for 8 weeks-My large Brick Gin House, built in 1861, running 4 stands, with Press, Saw Mill, Grist Mill & other Machinery, with cribs full of corn, & houses full of cotton, both in seed & in bale, not a bale of which I ever sold during the whole War-all burned with several other buildings—and I owed the succession of my second wife, the Mother of my children, \$46,000, which there was nothing left to pay with but the land, productive only of weeds and Taxes, for I had no means wherewith to cultivate it-

When J. Madison Wells was elected Govr he sent me a Comsn as Adjutant Gen: l of the State, the Salary of which was \$3000 .-During the canvass for his election the prevalent feeling was Harmony & Reconciliation-I believed that his position enabled him to do more than any other man in the State towards the accomplishment of that, and that he would do it, and he certainly did do a great deal when he went to Washington and Procured the removal of the Military Governor of that day, and so I urged, to the very limited extent of by ability & opportunities, that we should all vote for him—I felt the compliment of the offer all the more from the fact that there had never been any personal intercourse between Mr. Wells & myself after my return from the War with Mexico-over 20 years-and still more appreciated it on being told by one who was present, that in a Conference of his Political friends, after his election, discussing the distribution of the State offices, when that of the Adjutant Gen: I was under discussion, he said "Well, Gentlemen, I intend to appoint Graham-I know he's honest"—When Govr Flanders asked for my resignation, in a personal interview with him I declined to acceed to his request— When Govr Warmoth, more than a year, I think, after his inauguration, made the same request, I was paralysed, unable to discharge the duties of the office, & felt it right & proper that I should resign, and did so—

In 1853, whilst absent, with my family, from the State, Govr Hebert appointed me a member of the Board of Trustees directed by the Gen: Assembly to take charge of the land which it had purchased in the Hills back of Pineville for the site of The Seminaryof-Learning founded on the proceeds of sale of two Townships of Land, which, many years before, had been donated by the Gen: Government to the State of Loua for that purpose; and by which Board having been elected its Chairn and charged with working the labouring oar in the matter, I made, after advertisement, a contract for the erection of the Building, on the Plan which, on the request of the Board, the Gen: Assembly itself had selected from among those offered by Architects, with Mr. Crutchfield, a Contracting-Builder in Louisville, Kent:y-But the work, under charge of his Manager, proving defective, I invited the present world-renowned Gen: 1 G.T. Beauregard, then a U.S. officer of Eng:rs, and at that time in charge of the construction of the U.S. Customs-House Building in N.O.-to associate with himself two reliable practical & experienced Builders in the City, come up here, examine the Building, ascertain the extent of the damages & advise us what to do-Unable to leave his position he sent us his own Chief-Manager, Mr. John Roy; an experienced Building-Contractor, of N.O. Mr. Purvio; and a young Architect Mr. Wm. A. Freret, the result of whose examinations and deliberations was that Mr. Crutchfield should surrender his contract, and loose \$6000. on the work so far as done-which he did, and the Building was then completed under my own general superintendence, and the Management of Mr. Freret as Supervising Architect-

As successors to the Board of Trustees, the Gen: Ass: ly created a Board of Supervisors entrusted with the tenure of the Property, the determination of the character of the School, its organization, the selection of its Teachers, and with its general Government; of which Board the Govr of the State was to be, Ex-officio, President, the Board to elect, from its own members, its Vice-President, which office the Board devolving on me, made me more than ever solicitous that the School should start right—

While trying to study out the cause, or causes, of the failure of every, and so many, Educational efforts on the part of the State, (in which Judge Henry A. Bullard, then one of the Justices of our Supreme Court, told me that when compiling, some years pre-

viously, his Digest of the Laws of the State, he found that the State had then expended over a half million of dollars, of which not a vestige remained, except the buildings of the College at Jackson (subsequently donated to the Methodist Society, now constituting its "Centenary College") - "Jefferson College" on "the Coast", now in possession of the R.C. Church—and those of "Franklin College" at Opelousas; all then uninhabited & in decaying condition) I came to the conclusion that it resulted, mainly, from the want of proper Home (Family) Govt so prevalent throughout the State; and that we would have to educate Fathers preparatorily to educating Boys-I could find no more, or so, efficient mode of accomplishing that than by putting the School under a Military form of Govt similar to that of the U.S. Military Academy, or, more so, to that of "The Virginia Military Institute", by which appeal is made to both the Personal Pride and the Esprit du Corps of the Boys themselves, in making them a potential factor in their own government—My experience at West Point had made me well understand that-And so when the Board of Supervisors, Presided over by Gov: Wickliffe, met here in Alexa in the Spring of 1859, in a 2 or 3 days Session, to decide on the character of Government of the School, I proposed this Resolution "That the Loua State Seminary of Learning shall be a Literary and Scientific Institution, under a Military form of Government similar to that of the Virginia Military Institute at Lexington, Virginia"—This was opposed by such members of the Board as Judge James G. Campbell, of Natchitoches, Thos. C. Manning & Dr. Stokes A. Smith, of Rapides, who desired to make it a High Grade University requiring a greater acquaintance with the Classics as a prerequisite for admission. than the most of our Southern young men have attained when they return home from other Colleges with Diplomas in their possession-This led to long, protracted discussions, in the interval of which the three members named were appointed to confer with the most eminent Educators in the East & North, and made an elaborate Report-But the result of it all was the adoption, with the efficient support of Michael Ryan, and the potential vote of Govr Wickliffe, of my Resolution—Then I felt that the thing of Paramount importance was to find the right sort of man for the allimportant position of Superintendent; and that he must be a Graduate of the U.S. Mil:y Academy, sufficiently long in contact with the Army and the outside world to have the rigidity of West Point Discipline toned down to the customs & requirements of civil life. because it was not our aim, or intention to make the Pupils essentially Soldiers, but only to avail ourselves of the Military form

of Gov:t as an adjuvant in maintaining proper College Discipline. and at the same time, my own thought was, to diffuse among the citizens of the State a certain amount of practical military information, and habits, which might not only be useful to them in the management of their families & affairs, but form a nucleous in every Parish in the State for the organization & instruction of Military Bodies, should the State at any time have need of them. as proved to be all too soon the case in 1861/4, and as thoughts on the two great Servile Insurrections in the State of Virginia, in previous years, and that perfectly-planned one here in the Parish of Rapides from which we made so narrow an escape in 1836. should have taught every prudent man the importance & the value of; and which my own reflections on led me, after I became rehabilitated here as a Planter & Slave-holder, in 1843 to raise, organize, arm, & drill "The Rapides Horse Guards", from which arose "Co: E. 3rd Reg:t Loua Volunteers" which this Parish contributed to the War with Mexico-I felt oppressively the responsibility devolving on me personally, from the stand I had taken; and I also felt that my probation here, and absorption as a Dry-Nurse for Negroes since 1828, had but little qualified me for the successful accomplishment of what I had undertaken—But after determining on the number of Instructors, and their Salaries, we published our advertisement, which I distributed as extensively as possible—Among others I sent a copy of it to Major Don Carlos Buell, U.S.A then on duty in Washn as an Attaché to the Sec:y-at-War, who wrote me in acknowledgmt of it, that "of all men of his acquaintance Majr Wm. T. Sherman, lately resigned from the Army, & then practicing Law with his Brother-in-law Mr. Ewing in Kansas City, Mo: was the most perfectly qualified for the position we had to fill"—I did not know Majr Sherman, but I did know Majr Buell, had served with him on Gen: l Garland's staff, in Mexico, of which he was Brigade Majr, which position he had subsequently occupied on that of my half-Brother Gen: R.B. Mason, whose widow he married, and knew that when he told me that Sherman was the man for the place, that I need not look any farther—He also said that he had sent the Advertisement to Sherman, and suggested to him to apply for the place, which he did, in a single, frank, manly letter (unaccompanied by any other letter or testimonial) simply stating who & what he was, and what service he had seen-When

we met for the election of the Professors, in August 1859, there was very violent opposition to Sherman, particularly so by Jessee A. Bynum, a Member of the Board, who had been a Representative from North Carolina, in the Congress during the Admn of Gen: l Jackson, on the ground that he was "a Son-in-Law", which Sherman had stated in his Letter of application, "of that damned black-hearted Black-Republican Tom Ewing, of Ohio" (which Mr. Ewing was not—He was an Adams & Clay Whig, and a member of the Cabinets of both Gen: Harrison and Gen: Taylor)-Neverthe-less, however, he was elected, and by an almost unanimous vote—came down here, and prepared everything for opening the School on the appointed day, He, Doctr Anthony Vallas, the Eminent Profr of Mathematics, from the University of Pesth, in Hungary, where he had been a Coadjutor & Colleague of Kossuth in his Revolution there, and myself, framing here, in my house, the Code of Rules & Regulations for its Government, in a laborious session of two days & nights.

Subsequently dissatisfied with the Course of the Board of Supervisors, after the accession of Govr Moore, I resigned from the Board, and did not re-enter it until after the close of the war, when it was reorganized & re-opened by Govr Wells, un[der] the Superintendency of Colo: D.F. Boyd, who was the Professor of Ancient Languages in the first faculty, and continued in it until May 1872 when I went to reside in Virginia temporarily, returning here before the expiration of every two years to maintain my Domicile, and to vote, until Octo: 1878, when I returned home permanently, and on the accession of Govr Wiltz was recalled to the Board of Supervisors, in which I remained until the close of its Session in July 1885, when conscious that from increasing age, and accumulating infirmities, I was no longer capable of rendering efficient service, I resigned my Seat in the Board permanently, not separating myself from it without a strong pang of regret—

Previous to the War with Mexico I had been elected, by its officers, Major of the Rapides Parish Regt of Militia, and after my return from that war, by the officers of the two Regiments of Avoyelles & Rapides Brigr General, which rank I also held in virtue of my Comsn as Adj:t Gen:l of the State—

In the first election after the close of the Civil War, for Congressional Representatives, I was forced by the urgent insistency of Gentlemen in this Parish, mostly my associates in the Ante-Bellum Whig Party, and against my own convictions and inclination, to become a candidate in that Election—I never left home, which I had no means to do, and never wrote but one letter, to my old friend Judge John Moore of New Iberia, which I had to send my little son to carry to him, as the mails, I think, had not been then re-established—I received the vote of Rapides and Sabine Parishes—But the result in the District was the election of Mr. John E. King, of St. Landry, a much more competent and better qualified man for the position than myself; but he was not admitted by the House—

AND ALL OF THE STATE OF THE STA

### SOME LETTERS OF JAMES BROWN OF LOUISIANA TO PRESIDENTS OF THE UNITED STATES

## Edited by JAMES A. PADGETT

#### INTRODUCTION

James Brown, the son of Reverend John and Margaret (Preston Brown, was born near Staunton, Virginia, September 11, 1766. He belonged to a family that was noted in many walks of life. For forty-seven years his father was a leading Presbyterian minister in Virginia; James's brother, John, became a noted statesman and Congressman from Kentucky, whose grandson, Benjamin Gratz Brown, became governor of Missouri; his brother, Samuel, was a leading physician and professor of Medicine at Transylvania University; and Preston W. Brown, his other brother, was a good citizen.1

James Brown attended an academy at Lexington, Virginia, which later became Washington College (now Washington and Lee University), and perhaps graduated at William and Mary College, Williamsburg, Virginia. After reading law he began to practice in Frankfort, Kentucky, but like most pioneers he was called upon to lay aside his avocation in order to fight the Indians. In 1789 he commanded a company of sharpshooters against the red men in the Northwest.2 While living at Lexington he married the daughter of Colonel Thomas Hart and the sister of Mrs. Henry Clay. She became his constant companion at home and abroad.3

In 1792, when Kentucky became a state, James Brown was appointed secretary of state under Isaac Shelby, the first governor. At this time he moved to Frankfort which had been selected for the capital of the commonwealth. Soon after the purchase of Louisiana he went to New Orleans where he resided for many years. He accumulated a handsome fortune, for that time, from his legal practice and became one of the leading citizens of that section of the United States.4 On October 1, 1804, he was appointed secretary of the Territory of Orleans, and subsequently district attorney. The

<sup>&</sup>lt;sup>1</sup> Collins and Collins, History of Kentucky, II, 252-3; National Cyclopaedia of American Biography, IV, 348,376; VI, 535; Dictionary of American Biography, III, 126.

<sup>2</sup> Idem.; Biographical Directory of the American Congress, 1774-1927, 745.

<sup>3</sup> Dictionary of American Biography, III, 126; Letters of James Brown, passim.

<sup>4</sup> Dictionary of American Biography, III, 126; Appleton's Cyclopaedia of American Biography, I, 402.

territorial legislature at its first session approved an act (April 19, 1805) to establish a university, with James Brown as one of the regents, but the institution did not materialize.5

He assisted Moreau Lislet and Edward Livingston in preparing a code for Louisiana, which was adopted in 1808, and was known as the Civil Laws Now in Force in the Territory of Orleans with Alterations and Adapted to the Present System of Government. It was published in both English and French, and was in force until superseded by the Livingston Code. He was a member of the Convention of 1811-12 that framed the constitution for the new State of Louisiana; and on December 1, 1812, when Jean Noel Destrehan resigned, he was elected to the United States Senate. From February 5, 1813, until March 3, 1817, he served in that body, but ex-Governor William C. C. Claiborne defeated him for reëlection. Upon the death of Claiborne, Brown was again elected to the Senate, serving from December 6, 1819, to December 10, 1823, when he resigned to accept appointment to succeed Albert Gallatin as United States minister to France.8 He was not a nonentity while in Congress, but took an active part in the proceedings of the Senate, and for a while was chairman of the committee on Foreign Relations.9

James Brown was a friend of several of the Presidents as well as being acquainted with most of the leading statesmen of the day. John Quincy Adams described him as "a man of a large fortune, respectable talents, handsome person, polished manners, and elegant disposition."10

Perhaps no one in the United States was more interested in the preservation of New Orleans and Louisiana than was James Brown. Several times he wrote Jackson about the defence of this part of the United States, and Jackson replied to one of his letters that the English army came fully equipped and prepared not only to conquer New Orleans, but to establish a civil government there; and had the British arrived a few days earlier, or had the American army not attacked them in their first position, they would likely have taken the city, from which it would have been almost impossible to dislodge them. They both bewailed the fact that the United States had done so little for the defence of that section.11

<sup>&</sup>lt;sup>6</sup> Dictionary of American Biography, III, 126.

<sup>8</sup> Ibid., III, 126; Appleton, op. cit., I, 403; National Cyclopaedia of American Biography, IV, 376; The last two of these references state that he was United States district judge in 1804.

<sup>7</sup> Dictionary of American Biography, III, 126; Biographical Directory of Congress, 745.

Bictionary of American Biography, IV, 376.

National Cylopaedia of American Biography, III, 126.

Dictionary of American Biography, III, 126.

John Spencer Bassett, Correspondence of Andrew Jackson, VI, 447.

Although Jackson had not at this time met Brown this correspondence developed into a lasting friendship which not only resulted in the appointment of Brown to the French court, but his friendship and support of Jackson in the future was very valuable. When Jackson was severely criticised for the Mrs. Eaton affair, James Brown was his friend, and at a public dinner given by the mayor of New York where Brown was present, Mrs. Eaton was toasted, which greatly pleased Jackson. 12 When the wife of Jackson was accused of indiscretion in her early life James Brown not only defended the lady, but investigated the charges and found them to be false. The result of this investigation was printed and used as a campaign document in Jackson's long fight for the Presidency.13

After the return of James Brown from France in the fall of 1829 he settled in Philadelphia where he died on April 17, 1835.14

In copying the letters of James Brown for publication, the editor has endeavored to make an exact reproduction of them, preserving the punctuation, spelling and syntax. These letters to Thomas Jefferson, 15 James Madison, 16 James Monroe, 17 Andrew

12 Ibid., IV, 89, (November 24, 1829.)

14 National Cyclopaedia of American Biography, IV, 376.

<sup>13</sup> Ibid., IV, 89, (November 24, 1829.)

13 When these charges were made about Jackson's wife he had Mrs. Elizabeth Craighead, wife of Reverend Thomas B. Craighead, write a sworn affidavit regarding Mrs. Roberts, the daughter of Mrs. Donelson. Mrs. Craighead said that she had procured part of her information from her brother, James Brown, who had investigated the story of the misconduct of Mrs. Roberts before she became Mrs. Jackson, and concluded she was chaste and virtuous and that the fault was all her husband's, whose cruel and ungenerous nature coupled with insane jealousy led him to accuse Mrs. Roberts and Mr. Short, but after his investigations, including conversations with Short, he was not only sorry for her, but was convinced of her innocence.—Bassett, Correspondence of Jackson, III, 219-21. Dated, Springhill, Tennessee, December 2, 1826.

<sup>&</sup>lt;sup>14</sup> National Cyclopaedia of American Biography, IV, 376.
<sup>15</sup> The Jefferson manuscripts in the Library of Congress include, in addition to diaries, note books, account books, and journals, 236 volumes of correspondence (c. 40,000 pieces). In 1848 the government bought the main collection from his estate. There is a calendar of three volumes published by the State Department, Bureau of Rolls and Library (1894-1903), which covers only about seven-eights of the collection, because other accessions have been made to these papers since they were transferred to the Library of Congress by Executive Order of March 9, 1903. The manuscripts contain data pertaining to almost every phase of the life of Jefferson—the management of his farm, his law practice, his interest in science, art, literature, separation of church and state, freedom of the press, and education, particularly his connection with the University of Virginia, as well as his political and state papers. He had correspondence with the Continental Congress and the Congress of the United States as well as with most of the leading men of his day.—Manuscripts Division, Library of Congress.
<sup>18</sup> For several reasons the James Madison Papers are among the most important in the

most of the leading men of his day.—Manuscripts Division, Library of Congress.

16 For several reasons the James Madison Papers are among the most important in the Library of Congress. The first group of these papers was acquired from his estate in 1836; the second group from the same sources in 1848; and the third group from the Chicago Historical Association in 1910. To these there have been other accessions. The entire collection now comprises ninety-one volumes, his notes on debates, and some printed material which is largely covered by printed and manuscript calendars. His manuscripts relating to every phase of his life contain drafts of letters and papers from his own hand, as well as letters written to him, all of which throw considerable light upon the important national and state political events and economic questions.— Manuscripts Division, Library of Congress.

17 The Monroe Manuscripts in the Library of Congress were bought from his descendants in 1849, and transferred from the Department of State in 1905. They are bound in twenty-two large volumes, with six being his letters and sixteen letters to him. The letters of Monroe run from 1786 to 1831, and those to him from 1758 to 1849. The letters of Monroe run from 1786 to 1831, and those to him from 1758 to 1849. The letters of Monroe run from 1766 to 1831, and those to him from 1758 to 1849. The letters of Monroe of Monroe's second French and first English missions and some miscellaneous letters. His chief correspondents were John Quincy Adams, John C. Calhoun, George Canning, Andrew Jackson, Thomas Jefferson, Robert R. Livingston, James Madison, William Pinkney, James Brown, and others. His papers have been calendared with the exception of a few.—Manuscripts Division, Library of Congress.

Jackson, 18 and Martin Van Buren 19 throw considerable historical light on the period in which they were written, and should be of particular interest to those who now live in Louisiana, as well as the many descendents and friends of the family.

#### TEXT OF THE LETTERS

#### To Andrew Jackson<sup>20</sup>

#### FELLOW-CITIZEN.

The Democratic Society of Kentucky have directed us to transmit to you the Address and Remonstrance which accompany this letter. The subject of those papers is highly interesting to the Western People. We flatter ourselves that the measures recommended in the Address will meet your approbation; and that you will exert your influence to induce your neighbouring fellow-citizens to give their sanction to the Remonstrance.

The Remonstrance when signed, may be transmitted to the representative in Congress from your district, or to any other member of that body, delegated from the Western Country. It is intended that a decision upon this subject should be obtained during the present Session of Congress, and to effect this, it is necessary that the Remonstrance should be presented as soon as possible.

<sup>18</sup> In accordance with the wishes of Andrew Jackson, his adopted son, Andrew Jackson, Jr., gave his public papers to Francis P. Blair. In 1903 the children of Montgomery Blair presented them to the Library of Congress. In 1911 by purchase was added to this collection the personal papers of Jackson which had been retained by his adopted son, and which at his death had passed to his son, Andrew Jackson. These two groups have been mounted and bound in 131 volumes. They begin with 1775 and extend through 114 volumes to 1860, and four additional volumes contain undated material. The other volumes contain various kinds of documents. These papers cover almost every phase of the life of Jackson from his birth to his death. There are drafts of his Presidential messages, private family letters, military papers, farm operations, and household expenses. The military papers contain muster rolls, military returns of various sorts, receipts, and general and brigade orders, which are bound in thirteen separate volumes and cover the period from 1781 to 1832. He had a wide correspondence with the leading democrats of his time. In addition to the 131 bound volumes there are sixteen volumes in their original binding, nine portfolios of transcripts, a folio of broadsides, and a number of printed speeches and pamphlets, 1814-1822; and a large number of other things.

speeches and pamphlets, 1814-1822; and a large number of other things.

13 The papers of Martin Van Buren in the Library of Congress were given in 1904 a 1905 by Mrs. Smith Thompson Van Buren, Flahkill, New York, and Dr. Stuyvesant Fish Mor of New York City, in behalf of his wife, Mrs. Ellen James (Van Buren) Morris, who fell heir the papers from Smith Thompson Van Buren, the son and literary executor of the Preside They comprise seventy-two bound volumes, eight portfolios, twenty packages of transcripts, a one package of newspaper clippings and broadsides between 1787 and 1868. The collecti is composed of state papers, correspondence, autobiographical material, transcripts, and new paper clippings. His correspondence with Jackson contains no less than 260 letters, and least 150 of them are from Jackson. The autobiography is fragmentary. It was written his seventieth year, extends almost to the date of his election as President, and is in sev volumes. His correspondence was extensive and with many of the leading men of his day. Calendar of the Van Buren papers was made by the Library of Congress in 1910, but it do not include about 150 manuscripts received from Dr. and Mrs. Morris in 1912. These papers in the Manuscripts Division, Library of Congress.

<sup>20</sup> Jackson Papers, Library of Congress. This is a printed circular, but the name of Jackson is written in.

The inclosed Resolution of the Democratic society is one on which we are directed to request your sentiments; and should you approve it we promise ourselves that you will assist in carrying it into effect.

(Letter from Democratic Society Decembr. 31st. 1793) William Murray,<sup>21</sup> James Hughes,<sup>22</sup> James Brown,<sup>23</sup> James Moore,<sup>24</sup> Robert Todd,<sup>25</sup>

Committee of Correspondence.

December 31, 1793.

To Jackson.

"RESOLVED, That is will be proper to make an attempt in a peaceable manner, to go with an American bottom properly registered and cleared, into the sea through the channel of the Mississippi; that we may either procure an immediate acknowledgment of our right from the spaniards; or if they obstruct us in the enjoyment of that right, that we may be able to lay before the Federal Government, such unequivocal proofs of having done so, that they will be compelled to say, whether they will abandon or protect the inhabitants of the western country."

[Enclosed in above circular.]

<sup>&</sup>lt;sup>31</sup> William Murray was attorney general of Kentucky from December 7, 1792, to December 19, 1795; was a noted attorney of the state; became Grand Master of the Grand Masonic Lodge of Kentucky on October 16, 1800, and served in this capacity for a year. On September 8, 1800, he was appointed on a committee to draft a petition to the Grand Lodge of Virginia, setting forth the necessity of having a Grand Lodge of Kentucky.—Collins and Collins, History of Kentucky, I, 407, 508, 516, 524, 525.

<sup>&</sup>lt;sup>22</sup> As early as 1797 James Hughes held property in Frankfort, Kentucky, but did not reside there. In early Kentucky history he was perhaps the most noted land lawyer of the state. He, at his own expense, published a volume of decisions of the district court of Kentucky while it was part of Virginia and of the court of appeals in Kentucky rendered in suits for lands from 1785 to 1801.—Collins and Collins, op. cit., I, 407, 438, 498.

<sup>&</sup>lt;sup>23</sup> For an account of the work of James Brown see introduction. As early as 1798, he was a property holder in Frankfort, but he lived in Harrodsburg before moving to Frankfort.—Collins and Collins, op. cit., I, 275, 350, 358, 360, 407, 508.

<sup>&</sup>lt;sup>24</sup> James Moore was an outstanding citizen of Kentucky. He was one of the three commissioners in Mercer county to sell stock in the Kentucky River Company; and they had allotted to them twenty-two shares to be sold at \$50 each. He was Grand Master of the Kentucky Masonic Lodge, 1814-15, and High Priest from 1817 to 1819.—Collins and Collins, op. cit., I, 525, 526, 543.

<sup>&</sup>lt;sup>25</sup> Robert Todd was in the Virginia legislature from Kentucky in 1778; a member of the convention at Danville, May 23, 1785; a senatorial elector in 1792; state senator in the legislature, 1792; and was a member of the committee of five that selected Frankfort, as the capital of the state of Kentucky.—Collins and Collins, op. cit., I, 23, 354, 355, 356, 357, 366.

# TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF AMERICA.<sup>26</sup>

The Remonstrance of the Citizens West of the Alleghany Mountains.

Respectfully sheweth.

THAT Your Remonstrants are entitled by Nature and by stipulation, to the undisturbed Navigation of the river Mississippi, and consider it a right inseparable from their prosperity. That in colonizing this distant and dangerous desart, they always contemplated the free enjoyment of this right, and considered it as an inseparable appendage to the country they had sought out, had fought for, and acquired.—That for a series of years during their early settlement, their petitions to government to secure this right, were answered by its alledged weakness, and your Remonstrants taught to expect, that the time was approaching fast, when both power and inclination would unite to establish it on the firmest grounds. In this anxious expectation they waited, and to the insolance of those who arrogated its exclusive exercise, they patiently submitted, till the government of America had so strengthened itself as to hold out an assurance of future protection to all its citizens, and of redress for all its wrongs.

That protection has not been extended to us, we need only refer to our present situation, and that that situation has not been concealed from, or unknown to, Congress, we appeal to its archives. We have, without ceasing, deplored to you our degraded situation, and burdened you with our humble petitions and requests. But alas! we still experience, that the strong nerved government of America, extends its arm of protection to all the branches of the union, but to your Remonstrants. That it is competent to every end, but that single one, by which alone it can benefit us; The pro-

<sup>&</sup>lt;sup>36</sup> Jackson Papers, Library of Congress. This circular shows the feeling and the determination of the people of the West to have the use of what they considered their natural right. During this period Shelby was busy fighting the Indians and Wayne was in the Northwest in a life and death struggle against the red men, but the question of the navigation of the Mississippi caused them more apprehension than the Indians. Washington wrote Shelby about suppressing the Clark expedition down the Mississippi, worked up by La Chaise and other French agents. On October 5, 1793, Shelby wrote the Secretary of State that he did not think they could organize the people in Kentucky to go against the Spanish at New Orleans, but he said that he did not have the legal authority to prevent it. Shelby examined the aituation more carefully after Clark and others had received commissions, and he proceeded to organize his forces; but still he did not think that he could legally interfere. On January 13, 1794, he wrote the Secretary of State that he could not do anything, but expressed his devotion to the Union. The United States government then told all about what it was doing to procure the navigation of the Mississippi; sent the explanations out from the Department of State; and sent a special commissioner, the eloquent Colonel James Innes, the attorney general of Virginia, with special instructions from Washington to the governor and legislature of Kentucky. He was able to remove all grounds of uneasiness and to create tranquility in the public mind which had not existed since the first settlement of the state.—Collins and Collins, op. ct., II, 106, 718.

tection of our Territorial rights. It is competant to exact obedience, but not to make that return which can be the only just and natural exchange for it.

Long have your Remonstrants been anxiously in quest of the obstacles that have stood in your way, to the establishment of this our right; and as long has their pursuit been fruitless. Formal and tardy negociations have no doubt been often projected, and have as often miscarried. It is true, some negociations were once attempted, that were neither formal nor tardy, and gave an early shock to our encreasing population and to our peace of mind; but your Remonstrants are constrained to be of opinion, that the neglect of local policy of American councils, has never produced one single real effort to procure this right. Could the Government of America be for ten years seriously in pursuit of the establishment of a grand Territorial right, which was arrogantly suspended, and return to that quarter of the union to whom it was all-important, but an equivocal answer?- We think it high time that we should be thoroughly informed of the situation in which your negotiations, if any, have left this right: for apathy itself has grown hopeless from long disappointed expectation.

Your Remonstrants yield not in patriotism to any of their fellow-citizens: but patriotism, like every other thing, has its bounds. We love those states from which we were all congregated, and no event (not even an attempt to barter away our best rights) shall alien our affections from the individual members who compose them: But attachment to governments cease to be natural, when they cease to be mutual. To be subjected to all the burthens, and enjoy none of the benefits arising from government, is what we will never submit to. Our situation compels us to speak plainly. If wretchedness and poverty await us, it is of no concern to us how they are produced. We are gratified in the prosperity of the Atlantic states, but would not speak the language of truth and sincerity, were we not to declare our unwillingness, to make any sacrifices to it, when their importance and those sacrifices result from our distresses. If the interest of Eastern America requires that we should be kept in poverty, it is unreasonable from such poverty to exact contributions. The first, if we cannot emerge from, we must learn to bear; but the latter, we never can be taught to submit to.

From the General Government of America, therefore, your Remonstrants now ask protection, in the free employment of the

navigation of the river Mississippi, which is withheld from them by the Spaniards. We demand it as a right which you have the power to invest us with, and which not to exert, is as great a breach of our rights, as to withhold. We declare that nothing can retribute us for the suspension or loss of this inestimable right. We declare it to be a right which must be obtained; and do also declare, that if the General Government will not procure it for us, we shall hold ourselves not answerable for any consequences that may result from our own procurement of it. The God of nature has given us both the right and means of acquiring and enjoying it; and to permit a sacrifice of it to any earthly consideration, would be a crime against ourselves, and against our posterity.

#### To James Monroe<sup>27</sup>

#### Philada 5th. Decr. 1794

Dear Sir-

I am this day honor'd with your very acceptable favor of the 10th. Septr. which with its inclosures came safe to hand. You have my most sincere, & grateful acknowledgement for this mark of your friendship, & kind attention; & be assured that it is with extreme pleasure I have received from you the interesting intelligence of your safe arrival at Paris, & of the friendly & generous reception given you by the National Convention.28 Every real American must, & will acknowledge with the most lively sensibility, & gratitude the distinguishing Honors & respect paid by that generous Nation to you as the Representative of the U. States;29 & will mark the day of your recognition as such, as one of the most auspicious in the annals of his Country. Your address to that August Body has been read with enthusiasm, 30 & approbation, by every friend to the

<sup>257</sup> Monroe Papers, Library of Congress.
258 The governments of France during this period were: Estates General, May 6, 1789, to June, 17, 20, 27, 1789; National (Constituent) Assembly, 1789-1791; Legislative Assembly, 1791-1792; National Convention, 1792-1795; Directorate, 1795-1799; Consulate, 1799-1802-1804; Empire, 1802, 1804-1814, 1815; Kingdom, 1814, 1815, was set up again.—Cambridge Modern History, passim.
259 James Monroe was just the opposite of Gouverneur Morris, whose place he took in France. He was welcomed with great enthusiasm when he arrived in Paris. The President of the Convention was to give him the accolade fraternelle (fraternal embrace) which was a great event. The reception surpassed the expectations of Monroe and lasted an hour and a half, and with great difficulty he was able to extricate himself from the Committee of Public Safety and the crowd that surrounded him. The view of America's friendship for France and a declaration of this simply overwhelmed them. He entered the hall amidst the cries of vive la Republique! The President gave the kiss and embrace amidst universal acclamation of joy, delight, and admiration.—George Morgan, Life of James Monroe, 182-87.
25 In his speech, which was read in English and translated by a secretary, he used sentences which would tend to draw the two republics into closer union by ties of affection. He tried to show them the interest every department of the American government took in the success and prosperity of France. He laid before the Convention the declaration of the President, the House, and the Senate. The people were simply overwhelmed by his words.—Morgan, op. cit., 182-4.

Rights of Man,<sup>31</sup> as breathing the genuine sentiments of Republicanism, & as expressing the sense of nineteen twentieths of the Citizens of the Union. You are too much acquainted with the political Opinions of Individuals here, to expect that it could be equally acceptable to all. No my friend, there are some, & that too in the Senate whose names will readily occur to you, who did not relish such uniquivocal declarations of friendship & regard for the New Republic, & who could not suppress their apprehensions least this transaction should offend, & irritate G. Britain; & tend to obstruct Mr. Jays Negotiation.32 But the smiles, & frowns of this party ever have been & I trust ever will be equally disregarded by you.

It is with great pleasure I learn that you have discovered on the part of the New Republic Dispositions so friendly to the Interests of the U. States: I am persuaded every means in your power will be exerted to cultivate & improve this good understanding to the mutual advantages of the two countries. & have no doubt but your efforts for that purpose will be duely supported by the National Legislature here especially as you in so great a degree possess the confidence of all parties.

The most important event which has occurred in this Country since your departure was the insurrection in the Western Counties of this State.33 The Presidents speech at the opening of the present Congress which the Secy of State will doubtless transmit to you will detail to you all the circumstances which attended this disgraceful Business—It has been completely suppressed & I believe will be productive of fewer ill consequences than men generally expected. The expence thereby incurred greatly exceeded the Necessities of the case & will amount to about one Million & a half Dollars. A

<sup>21</sup> The Rights of Man, 1791-92, was the work of Thomas Paine. For writing this book Paine was outlawed in England by the Court of the King's Bench, but, before the trial he had been elected to the French Convention by four constituencies. He was received in France with great enthusiasm and made a French citizen. Appleton's Oyclopaedia of American Biography, IV, 630-32.

32 He here refers to Jay's Treaty with England, 1794-5. Great Britain would not give up her navigation laws, but made a treaty in which she agreed to surrender the forts of the Northwest by June, 1796; allowed the United States to trade with the British East Indies; United States ships of less than seventy tons could trade with her West Indies, but could not take cotton, cocoa, molasses, and sugar to Europe. Privateers were not to be fitted out in American waters to operate against England; American privateers fighting against England were to be treated as pirates; and British trade in America was to be on the basis of the most favored nation.—Hunter Miller, Treaties and other International Acts of the United States, 1, 245-7.

33 The people of the west resented Hamilton's excise tax which was not heavy, but there was a still on almost every farm in that section and whiskey might be said to be their money crop. In western Pennsylvania meetings were held as early as 1791, and they would not obey the law. Neville was to serve fifty warrants here. A mob surrounded his place to try to force him to give up his commission. When he shot into the mob he killed one and wounded six others. The whiskey boys even robbed the mails in their outrages. A peace delegation preceded the army of 15,000 soldiers, and when the army arrived at Pittsburg it could not find the mob. All of the army returned that fall except 2,500 which remained until the spring of 1795.—John Spencer Bassett, Short History of the United States, 267-9.

few of the most influential of the disaffected have been brought to this City for trial & will probably be executed by way of example.34 Gen1 Wayne has been more successful against the Indians than I believe was expected by any one.35 On the 20th. August he defeated their united forces amounting to about 1000. in sight of the British Garrison at the foot of the Rapids of the Miami,36 which was established last spring by Gov<sup>r</sup>. Simcoe<sup>37</sup>—The Enemy as usual sustained an inconsiderable loss in numbers, but as the action took place in sight of the British Garrison who not only declined giving them any assistance in Battle, but refused them when flying the protection of the fort These circumstances have efectually shaken their attachment to, & dependance upon their British Allies-There is now but little doubt that a general peace will shortly be made with all the Western & Northwestern Tribes, especially as Colo. Pickering38 has lately concluded a Treaty with the six Nations to the entire satisfaction of both parties89.— Gen1 Wayne sum-

<sup>34</sup> Eighteen were arrested and sent to Philadelphia for trial; two were convicted, but they were pardoned by Washington.—Bassett, op. cit., 268-9.

35 In the Northwest Harmar had been defeated, St. Clair's army had been annihilated, and then Washington appointed Anthony Wayne to go against the Indians. On October 7, 1793, he marched with 2,600 men into the Indian country. He built Fort Greenville where he wintered in the Indian country. In June, 1794, he was joined by 1,600 mounted militia from Kentucky. The Indians had been supplied with fire arms by the British. At Fallen Timbers the Indians, but the Treaty of Greenville, August 4, 1795, was the important one in which the Indians surrendered most of the land in Ohio.—Bassett, op. cit., 262.

36 The Indians expected to be received into the British fort, but it was not opened to them, so they retreated back into the Indian country. In February, 1793, Dorchester, the British Governor of Canada, in a speech to a crowd of Indian chiefs said that the United States had wronged them and that England would soon be at war with the Americans when the Indians could regain their land. The British fort was sixty miles south of Detroit, and Washington had ordered Wayne to take it if it was necessary, but he did not have to attack it.—John Spencer Bassett, The Federalist System, 67-8.

37 Graves Simcoe was born near Exeter, England, February 25, 1752, and died at Torby, England, October 26, 1806. He was a British commander during the American Revolution, and was later Governor of Upper Canada and elsewhere.—Century Dictionary and Oyelopastia, IX, 933.

38 Timothy Pickering (July 17, 1745—January 29, 1829) was admitted to the bar, but

England, October 26, 1806. He was a British commander during the American Issuedata, was later Governor of Upper Canada and elsewhere.—Century Dictionary and Cyclopaedia, IX, 933.

35 Timothy Pickering, (July 17, 1745—January 29, 1829) was admitted to the bar, but never practiced much. In 1766 he entered the militia as lieutenant, and then took part in the Revolution. He was made quartermaster-general in 1780, and supplied Washington's army in its march from New York to Yorktown. After the war he became a merchant in Philadelphia; was offered a place on the supreme bench in Massachusetts if he would return, but he said that he was not fitted for it; moved to Wyoming county, Pennsylvania, in 1787, where he was mixed up in the disorders, but was largely responsible for restoring order there; and was a member of the convention of Pennsylvania that ratified the Federal Constitution. In 1791 he was sent on an important mission to the Senecas, which resulted in an important treaty in 1792 with the Six Nations. From August 14, 1791, to 1795 he was Postmaster General, but several times during this period he was called on to make an expedition to the Six Nations to keep them quiet. On January 2, 1795, he became Secretary of War, which then included the Navy and Indian Affairs. In the fall of 1795 he acted also as Secretary of State, and was later given that portfolio. He was forced out of the Cabinet, May 12, 1800. He was poor and in debt so the people of Boston donated \$25,000, which after paying his debts left him a belance of \$14,055.35. He then settled in Massachusetts; in 1802 he was made chief justice of the court of common pleas of Massachusetts; elected to the United States Senate in 1803 and again in 1804; elected to the House of Representatives, 1812 and 1814, but refused to run in 1816. He belonged to the "Essex Junto" which favored the Hartford Convention and secession. He died from a cold contracted in an ill-heated church. Appleton, op. ois., V, 1-3.

30 This treaty was made on November 11, 1794, and provi

moned the B. Fort to surrender, The Commanding Officer refused. Some insulting letters passed between them, & as Gen! W. had forgot his Cannon at Greenville he marched off to the Miami Vilages where he has been engaged in erecting (to use his own expression) an impregnable Fort-

Congress have as yet made so little progress in the Business of the present Session that I can give no satisfactory information respecting it. Almost three weeks elapsed before we made a Senate & it is as yet but thinly attended. Virga. & Maryland are still unrepresented, but Mr. Tazewell40 & S. T. Mason41 have been elected to fill your seat & Colo. Taylors42 who resigned in consequence of the indisposition of his family, & they are expected in a few days— Butler<sup>43</sup> & Gunn<sup>44</sup> are both absent & not expected during the Session. Thus you see that I remain in a smaller Minority than ever, but I still hope to see better days. Langdon<sup>45</sup> will be reelected—Bradley<sup>46</sup>

<sup>40</sup> Henry Tazewell of Virginia (1753—January 24, 1799) was educated at William and Mary, and then read law. In 1775 he became a member of the House of Burgesses, and helped make the constitution of 1776. He remained in the legislature of Virginia until 1785 when he was appointed to a seat on the supreme bench of his state. He served in the court of appeals and in 1793 became one of the judges of the appellate court. From 1794 until his death he was a member of the United States Senate where he served as President pro tempore in 1795, and was a noted leader against the ratification of the Jay Treaty. Appleton, op. cit., VI. 56.

appeals and in 1793 became one of the judges of the appellate court. From 1794 until his death was a member of the United States Senate where he served as President pro temples in 1795, and was a member of the United States Senate where he served as President pro temples in 1795, and was a nember of the Military of 1898, and was a member of the state legislature; served in the Revolution; was general of the militar; was a member of the state legislature; served in the Revolution; was general and was a member of the United States Senate from December 7, 1795, to March 3, 1803. After part of the Jay Treaty had leaked out Mason had an abstract and then a perfect copy of it published in the Philadelphia Aurora, for which he was censured by the Federalists, but extolled by the Republicans. He was an adept user of wit and sarcasm. a great speaker, and very popular.—Appleton, op. cit., 1V, 242.

43 John Taylor (1750—August 20, 1824) was a graduate of William and Mary; became a noted planter of Virginia, where he did much to sid agriculture; was sent to the Senate on December 12, 1792; and was elected for the term that began March 4, 1793, but resigned in 1794. He was presidential elector in 1797 and 1803; served in the Senate for two months, after the death of Stevens T. Mason, before the election of his successor; and then served from December 30, 1822, until his death. He was the mover of the Virginia Resolutions in 1798.

44 Pierce Butler was born in Ireland, July 11, 1744, and died in Philadelphia, February 15, 1822. He served as an officer in the British army; was stationed in Boston; but resigned before the Revolution. He moved to South Carolina where he soon became a leader. He was in Congress in 1787 and a member of the Virginia March 13, 1753, and died in Georgia, July 30, 1801.

He moved to Savannsh where he became a noted attorney. He had been a captain in the Revolution; a colonel in the Militia; and a brigatiergeneral in the Georgia militia, which was a great asset to him in his public life. He was electe

in consequence I believe of taimming a little last session lost his election but his successor (Mr. Payne) 47 is a good Republican-Kings48 reelection is doubtful,—the death of two Members of the State Legislature (Republicans) leave I am told a Majority of but one against him.— Morris40 will not serve, but who will succeed him it is not Known— A good Man is expected from Delaware— Macon<sup>50</sup> will be chosen in place of Hawkins<sup>51</sup>—Izard<sup>52</sup> declines, & a man of different sentiments is expected from that State. From the elections which have already taken place, there is reason to expect the next H. of Representatives will be more Republican than

<sup>47</sup> Elijah Paine of Vermont (January 21, 1757—April 28, 1842) served in the Revolution; graduated from Harvard in 1781; and after reading law began to practice in Vermont. He tried farming, manufacturing cloth, and operating a saw and grist mill. He was secretary of the State constitutional convention of 1786; served in the state house of representatives, 1787-91; judge of the state supreme court, 1791-95; member of the United States Senate, March 4, 1795, to September 1, 1801, when he resigned after being re-elected in 1800; and judge of United States district court for Vermont from 1801 until his death.—Biographical Directory of Congress, 1881.

judge of the state supreme court, 1791-95; member of the United States Senate, March 4, 1795, to September 1, 1801, when he resigned after being re-elected in 1800; and judge of United States district court for Vermont from 1801 until his death.—Biographical Directory of Congress, 1381.

"Autrus King was born in Maine, March 24, 1755, and died April 29, 1827. He graduated at Harvard; was aside to Sullivan in the Revolution; admitted to the bar in 1780; was elected to the legislature in 1782; served in the Continental Congress, 1784-87; was as the Federal Constitution in 1788; and moved to New York City, 1788. He was in the New York legislature, 1789-90; elected to the United States Senate, 1789 and 1795, serving from July 16, 1789, to May 20, 1796, when he resigned to become minister to England; he held this position from May 20, 1796, to May 18, 1803; and was the Federalist candidate for Vice President in 1804. In 1813 and 1819 he was elected to the Senate, serving from March 4, 1813, to March 3, 1825. He was defeated for Governor in 1815 and for President in 1804. In 1813 and 1819 he was elected to the Senate, serving from March 4, 1813, to March 3, 1825. He was defeated for Governor in 1815 and for President in 1804.

"Robert Morris was born in Liverpool, England, January 20, 1734, and died in Philadelphia, May 8, 1806. He moved to Philadelphia in 1747, where he became a merchant the next year. He was in the Continental Congress, 1776 to 1778; signed the Declaration of Independence; was a member of the Pennsylvania legislature, 1778 to 1780; was superintended of representatives, 1785-87; and was in the Constitutional Convention, 1787. He reved in the United States Senate, March 4, 1789 to March 3, 1793; declined to be a candidate for re-election; declined a place in the Cabinet of Washington as Secretary of the Treasury; and from February 16, 1797, until August 26, 1801, he was in prison for debt. After his release he lived in obscurity.—Biographical Directory of Congress, 1337.

"So Nathaniel Macon (Decembe

the present. Dearborne<sup>58</sup>, Lyman<sup>54</sup> & Shearborne<sup>55</sup> are reelected, & three or four of similar sentiments are elected in Massachusetts-Ames<sup>56</sup> has been reelected only in consequence of the most strenuous exertions in his behalf— Sedgwicks<sup>57</sup> election is doubtful— Wadsworth<sup>58</sup> & Learned<sup>59</sup> of Connecticut have declined, also Boudinot.<sup>60</sup> Swanwick<sup>61</sup> is chosen in place of Fitzsimmons<sup>62</sup>— & Gallatin<sup>63</sup> of

Swanwick<sup>61</sup> is chosen in place of Fitzsimmons<sup>62</sup>— & Gallatin<sup>63</sup> of 

\*\*\*Henry Dearborn (February 23, 1751—June 6, 1829) became a physician in the 
Revolution; was deputy quartermaster-general, with the rank of colonel; brigadier-general of 
the militis in Maine, 1787, and major-general, 1789; United States marshall for Maine, 1789; 
served in Congress, March 4, 1793, to March 3, 1797; Secretary of War, March 4, 1801, to 
March 7, 1809; collector of the port at Boston, 1809 to January 27, 1812; and then became 
senior major-general in the army. He fought in Canada, but was recalled, July 6, 1813, and 
put in command of the city of New York. He was minister to Portugal, May 7, 1822, to 
June 30, 1824, when he asked to be recalled.—Biographical Directory of Congress, 892.

\*\*\*Samuel Lyman of Massachusetts (January 25, 1749—June 5, 1802) was a member 
of the state legislature, 1786-88; was a state senator, 1790-93; justice of the court of common 
pleas, 1791, to 1800; and was in Congress from March 4, 1795, to November 6, 1800, when 
he resigned. William Lyman of Massachusetts (December 7, 1755—September 2, 1811) 
was educated at Yale; served as aide with rank of major in putting down the rebellion of 
Daniel Shays after having served in the Revolution; entered the state legislature in 1787; 
state senate, 1789; served as a Democrat in Congress from March 4, 1793, until March 3, 
1797; served as brigadier-general of the state militia, 1796-1800; was consul in London, 1805, 
until his death there where he was buried; and was a leader of his party.—Biographical 
Directory of Congress, 1246.

\*\*Solon Samuel Sherburne (1757—August 2, 1830) was a native of New Hampahire; 
praduated at Dartmouth; admitted to the bar in 1776, after graduating in law at Harvard; 
became brigade-major of the staff; lost a leg in the Revolution; was in Congress, March 4, 
1793, to March 3, 1797; returned to the practice of law; served in Congress, March 4, 
1798, until March 3, 1797; returned to the practice of law; served on the Governor

1505-6.

Solution Series 1505-6.

Table: was town clerk of Durham, 1756-1786; colonel and later brigadier-general of militia of Connecticut, and then major-general; judge of the court of common pleas; member of Continental Congress, 1783-86; and member of the executive council, 1785, 1790.—Appleton's Oyclopaedia of American Biography, VI, 312.

Solution Series 1776, on account of ill health. He still worked for the Revolution and on April 2, 1777, he became a brigadier-general in the army. He was in the battle of Fort Stanwix on March 24, 1778, but soon resigned on account of ill health. He served in the Massachusetts state convention of 1779, and in the legislature in 1783.—Dictionary of American Biography, XI. 77.

state convention of 1779, and in the legislature in 1783.—Dictionary of American Biography, XI, 77.

\*\*O Elias Boudinot of Pennsylvania (May 2, 1740—October 24, 1821) received a classical education and legal training; was commanding general of prisoners in 1777; served in the Continental Congress, 1778-9, 1781-4; was President of Congress and signed the treaty of peace; served in Congress from March 4, 1789, to March 3, 1795; was director of the mint at Philadelphia, 1795 to July, 1805; and then resigned to spend the remainder of his life in the study of Biblical literature. He gave away most of his fortune to good causes.—Appleton's Oyclopaedia of American Biography, I, 327-8.

\*\*John Swanwick of Pennsylvania (1750—August 1, 1798) was a man of literary attainments, having published a volume of poems; but later turned to politics. In 1794 he was elected to Congress as a Democrat and served in Congress from March 4, 1795, until his death.—Biographical Directory of Congress, 1588.

\*\*Thomas Fitzsimons of Pennsylvania was born in Ireland in 1741. He was a clerk in a counting house in Philadelphia; commanded a company of home guard in the Revolution; was in the Continental Congress, 1782-3; in state legislature 1786-7; in Federal Constitutional Convention, 1787; served in Congress from March 4, 1789, until March 3, 1795, but was defeated for re-election in 1794. He served as president of the Philadelphia chamber of commerce; trustee of the University of Pennsylvania; one of the founders and a director of the bank of North America; and died on August 26, 1811.—Biographical Directory of Congress, 646.

646.

63 Albert Gallatin was born in Geneva, Switzerland, January 29, 1761, and moved to the United States in 1780. He took part in the Revolution; was a member of the Pennsylvania

Mr. Scott<sup>64</sup>— Patten<sup>65</sup> is reelected in Delaware—Lee<sup>66</sup> & Griffin<sup>67</sup> will be superceded by Brent,<sup>68</sup> & Meriwether Jones<sup>69</sup>—No unfavorable changes to the South. Thus you see the prospect is by no means discouraging— The Sec<sup>y</sup> of War<sup>70</sup> & Sec<sup>y</sup>. of the Treasury<sup>71</sup> are both to resign in the course of the ensuing month— It will require some time to fully develop the views & plans in contemplation of the latter.

Col<sup>o</sup>. Innes<sup>72</sup> of Richmond had been sent by the President to Kentucky to inform the people of that Country fully of the Measures thich have been taken by the Gen<sup>1</sup> Government to obtain the Navigation of the Mississippi. They are become so impatient upon this subject, that I much fear his Mission will not be productive of

constitutional convention, 1789; served in the legislature, 1790-92; was elected to the United States Senate, February 28, 1793, and served for sometime. No action was taken at that session, but on February 28, 1794, his seat was declared vacant, for he had not been a citizen of the United States for nine years. He served in the House of Representatives from March 4, 1795, to March 3, 1801. From January 26, 1802, to February 9, 1814, he was Secretary of the Treasury; he was one of the negotiators of the Treaty of Ghent; on a committee to negotiate a commercial treaty with England, 1815; served as minister to France, 1815-28; minister to England, 1826-7; and president of the National Bank of New York. He died on August 12, 1849.—Biographical Directory of Congress, 996.

<sup>64</sup> Thomas Scott of Pennsylvania (1739 to March 2, 1796) was a member of the Pennsylvania assembly, 1/76; member of the supreme council, 1777; prothonotary, 1781 to March 28, 1789; a member of the state convention that ratified the Federal Constitution; served in Congress from March 4, 1789, to March 3, 1791, and March 4, 1793, to March 3, 1795; but he declined to be a candidate in 1790.—Biographical Directory of Congress 1502-3.

os John Patten of Delaware (April 26, 1746—December 26, 1800) engaged in Agriculture; rose to the rank of major in the Revolution; was a member of the Continental Congress, 1785-86; and was a member of Congress from March 4, 1793, to February 14, 1794, when Henry Latimore took his place due to a contest. He served in Congress from March 4, 1795, until March 3, 1797, after which time he returned to his agricultural pursuits.—Biographical Directory of Congress, 1389.

\*\*Sichard Bland Lee (January 21, 1761—March 12, 1827) was educated at William and Mary; served in the state legislature of Virginia, 1784-88; was a member of Congress, March 4, 1789, to March 3, 1795; and was defeated for re-election in 1794. He was a member of the state legislature, 1796, 1799-1806; moved to Washington about 1815; was appointed by Madison to adjust loss of property due to the war of 1812; and in 1819, he was made judge of the orphans court of Washington which position he held until his death.—Biographical Directory of Congress, 1215.

<sup>67</sup> Samuel Griffin of Virginia received a classical and legal education; rose to colonel in the Revolution; was wounded in the battle of Harlem Heights, October 12, 1776; was a member of the state board of war; served in the state house of delegates, 1786-88; was a member of Congress, March 4, 1789, to March 3, 1795. He died on November 3, 1810.—Biographical Directory of Congress, 1036.

es Richard Brent was born in Virginia in November, 1757. He was in the lower house of the legislature, 1788, 1793, 1794, 1800, 1801; was a representative in Congress, March 4, 1795, to March 3, 1799, and March 4, 1801, to March 3, 1803; was a member of the state senate, 1808-10; and served in the United States Senate from March 4, 1809, until his death, December 30, 1814.—Biographical Directory of Congress, 734.

60 Meriwether Jones was not in Congress from 1795 to 1797.—Biographical Directory of Congress; National Cyclopaedia of American Biography, Index and Conspectus, 11-12, 27-29.

70 Henry Knox (July 25, 1753—October 25, 1803) was an officer in the army at the age of eighteen; rose to brigadier-general and then to major-general in the Revolution; served as Secretary of War, 1787 to 1795, when he resigned; and then he served in the state legislature, farmed, and did various things.—Appleton's Cyclopaedia of American Biography, III, 565-6.

71 Alexander Hamilton (January 11, 1757—July 12, 1804) was born in the West Indies; educated in the United States; served in the Revolution; was Secretary of the Treasury under Washington, 1789 to January 31, 1795; and was killed by Burr in a duel in 1804.—Appleton, op. cit., III, 56-60.

73 It must be James Innes of Virginia (1754—August 2, 1798) who rose to the rank of lieutenant-colonel in the Revolution; served in the legislature, 1780-82, 1785-87; became a noted lawyer, orator, and leader; served as attorney general of Virginia in 1786; was a great factor in the convention in Virginia to procure ratification of the Federal Constitution; declined to become Attorney General under Washington; and was so large that he could not ride on the ordinary horse or sit in an ordinary chair, but read and thought on the bed or on the floor.—Dictionary of American Biography, IX, 386-7; Note 26, above.

all the conciliatory effects the President expects from it—73 The assurances you have given me that your friendly attention to this important subject shall not be wanting demand my sincere acknowledgements, & when known to my Constituents (& I shall take pleasure in making the communication) They cannot fail to inspire their disponding minds with fresh hopes that this object so essential to their happiness will yet be obtained.—

The last Harvest did not prove so abundant as had been expected owing to the great losses occasioned by the long continued Rains which fell about that time. But there is notwithstanding a very considerable surplus on hand for exportation; & the deficiency in quantity is amply made up in price— Wheat is now selling at 10 s Virg<sup>a</sup>. Cur<sup>y</sup>. The Pushel & Flour at eight Dollars & upward per Barrel.

The Monied men of this & the neighbouring Cities have been seized with a land Mania which for some time past has raged with uncommon violence— Not a Swamp, a Sand Hill, or a Pine Barren in all the lower Country to the Southw<sup>4</sup>. But has been taken up & brought to Market; Not a desert, or rocky Mountain, in all the back Country has escaped the hand of Speculation— & all are purchased with avidity in order to be shipped to the Eastern Markets for the use of Foreigners who inticed by quantity, price, & fictitious discriptions may be subjected to the grossest impositions.— You will readily perceive how far the American character may be affected by this traffic & you are best able to determine respecting the means which may be imployed to prevent it—<sup>75</sup>

I have written my dear friend to you in the most careless manner presuming perhaps too far upon the belief that you will receive with indulgence every thing which relates to your Native Country.

<sup>73</sup> There was much discontent in Kentucky at this time over the navigation of the Mississippi. After considerable negotiation Pinckney was able to make a treaty with Spain in 1795 which recognized the thirty-first degree of north latitude as the boundary line of West Florida; agreed on the middle of the Mississippi as the boundary; granted the United States perpetual use of this river; and gave America the right of deposit at New Orleans for three years which would be renewed at that place or at some other place.—John Bach McMaster, History of the People of the United States, II, 141-43; Hunter Miller, Treaties of the United States, I, 318-345.

<sup>74</sup> Colonial currency was rather complicated. The pound sterling was the standard, but the Spanish milled dollar was the most common piece of money, or perhaps Captain Flint's pieces of eight which were made by dividing the Spanish dollar into eight pieces. The dollar differed in various sections of the country. It was worth six shillings in New England and Virginia; eight, in New York and North Carolina; seven shillings and six pence in Pennsylvania; five shillings in Georgia; and thirty-two shillings and six pence in South Carolina.—Andrew Cunningham McLaughlin, Confederation and the Constitution, 138-9.

<sup>&</sup>lt;sup>15</sup> This was a great period of speculation in land, food, cotton, timber, tobacco, slaves, etc. Even Robert Morris went to jail for land speculation.—John Spencer Bassett, Federalist System, 190-203.

Present my most respectful Com<sup>nts</sup>. to M<sup>rs</sup> Monroe & be assured of the friendship & esteem with which I am D<sup>r</sup>. Sir

Yo mo. Obt. Servt.

Col<sup>o</sup>. Monroe— (1794 Jas Brown) J. Brown

# To Thomas Jefferson 76

Richmond 29th Sept. 1806

Dear Sir

On my return from the Springs two days ago, I received your favor of the 12<sup>th</sup> Uto. inclosing a letter from John Preston of Dundee which I now return you under cover.

Six or seven years ago at the request of John White an old Scotchman, who lives on his plantation in the Neighborhood of M<sup>r</sup>. Reuben Lindsay Albermarle, I wrote to Scotland for one of his Relations with a view to protect him in old age and take care of his property at his death— M<sup>r</sup>. Charles Bell in Leith accordingly sent out James Gickie in the year 1801, by a vessel bound for New York and in Feb<sup>r</sup>. 1802 Gickie made his appearance in this City (destitute of money & friends) but soon afterwards proceeded to M<sup>r</sup> White's where I presume he now resides; More I know not, of either White or Gickie, for tho' I paid his passage out from Scotland to New York and advanced him money for his Expenses from New York to this place & Albemarle, I have never been favoured with a Single line from either of the Parties since.

With much respect I am Dear Sir Your very Hie. St

James Brown

Thomas Jefferson Esqr President U States

#### To James Monroe 77

Middletown Connecticut Augt. 11.1814

My dear Sir

Mr Stirk of Georgia when a student at Edinburgh married a Scotch Lady and has since settled in this town. His sister in law

<sup>76</sup> Jefferson Papers, Library of Congress. This letter may possibly be from a different James Brown, but since it was impossible to determine whether James Brown of New Orleans was in Virginia at this time the letter was included.
77 Monroe Papers, Library of Congress.

Miss Baugh has a brother on board the Albion<sup>78</sup> in the Chesapeake and is extremely desireous of conveying a letter to him simply to assure him of the welfare of herself and sister, and to induce him to write to her. Having received some civilities from Mr Stirk (who is a warm republican) I feel desirous to gratify the wishes of the family, and would be happy should a flag be sent aboard the fleet, if the inclosed could be sent to its address. It is open for the inspection of the department. Should it be thought improper to comply with this request the letter can be returned to me.

I have now spent more than a month in this state and have had a pretty fair opportunity of observing the current of public opinion. The repeal of the whole restrictive system,79 and the change of affairs in France<sup>80</sup> have deprived the federalists of two powerful engines which they have long employed against the republican party. Accusations of French influence, and hostility to commerce are no longer believed, and he who now is not an American must expect a place on the side of our enemies. The late brilliant atchievements of Gen1s Brown81 & Scott82 have redeemed the reputation of the army and roused the spirit of the nation-Should England refuse to treat, or insist on terms disgraceful to this country, we may promise ourselves more union in the support of the war. It has afforded me much pleasure to discover that a general sentiment of disapprobation of the violent politics of the Bostonians prevails in this State— I have not met with a single man who does not spurn at the idea of a dissolution of the Union.83

not spurn at the idea of a dissolution of the Union. \*\*

To In 1814 Great Britain planned a threefold attack on the United States: by the way of Lake Champlain, in the Chesapeake country, and at the mouth of the Mississippi. George Provost was to come into New York, but Thomas Macdonough defeated the British on Lake Champlain. Major-general Ross with Vice-admiral Cochrane took some 4,000 to the Chesapeake region. In 1814 the army was reorganized, George Izard and Jacob Brown were made major-generals and six new brigadier-generals were appointed, including Winfield Scott, Malcomb, and Gaines. These me were all appointed for their ability. They soon won the battle of Chippewa, where they lost 297 to 515 for the British. Three weeks later at Lundy's Lane the Americans won, where the Americans lost 853 to 879 for the British. After some 7,000 troops failed to atop the British at Bladensburg, and the Capital was captured, Armstrong was forced out of his position as Secretary of War.—Kendric Charles Babcock, Rise of American Nationality, 103-5, 125-143.

To In December, 1813, the United States placed an embargo on goods to Europe, but a fortnight later heard of the defeat of Napoleon at Leipzig, which meant that all of Europe would be open to British commerce. The embargo could not be enforced so it was repealed on April 14, 1814.—Babcock, op. cit., 158-60.

Department of this letter Napoleon had been captured and sent to the Island of Elba.

Jacob Brown (May 9, 1775-February 24, 1828) was a Quaker school teacher; from 1796 to 1798 he was a surveyor in Ohio; began the study of law in 1798 in New York; where he taught and wrote; he entered the militia, and soon rose to the rank of brigadier. He fought so well, especially at Sackett's Harbor, that on July 19, 1813, he was made a brigadier in the United States army. On January 24, 1814, he was made a major-general and given many honors for his work in the war. After the close of the war he remained in the army and was made general-in-chief on March 10, 1831.—Appleton, o

Mrs. Brown unites with me in respectful salutations to Mrs. Monroe & I pray you to be assured of the esteem and regard of, Dear Sir.

Your friend

James Brown

Honb. James Monroe-Honb. James Monroe Secretary of State Washington City (Honble Mr Brown)

> To Andrew Jackson84 (Private)

> > Washington Septr. 26, 1814

Sir

The Command assigned you embraces the defense of the State which I have the honor to represent in the Senate of the United States. This circumstance would alone excuse my addressing you a letter without having had the pleasure of being acquainted with you personally. I have often felt a strong disposition to acknowledge in writing the obligations I feel to you for the important services you have already rendered to that interesting region which encircles my property my relatives and friends, and to express the confidence I feel in the courage and talents to which our protection has been confided. But I have been restrained by the fear that the honest effusions of a grateful heart might be construed into the language of common place compliment or fulsome adulation-Your richest reward for all your sacrifices will be found in the approbation of your own conscience, and in reading "your history in your nation's eyes".

In consequence of the alarm created by a letter received by my friend Mr Humphreys85 stating that dispatches from you had announced the landing of 6000 British troops at Pensacola, the Secretary at Warse has directed the Governor of Tennessee to order

<sup>\*\*</sup> Jackson Papers, Library of Congress.

\*\* It may be Samuel Humphreys of Pennsylvania (November 23, 1778-August 16, 1846)
who went to Georgia at the age of seventeen to supply live oak for the navy and in 1815 he was
made chief contractor for the navy, which post he held until his death. In 1824 Alexander of
Russia offered him \$60,000 a year to construct a navy for Russia, but he replied, "I do not know
that I possess the merits attributed to me, but be they great or small, I owe them all to the flag
of my Country".—Appleton, op. cit., III, 314.

\*\*Beginson\*\*

\*\*Beginson\*\*
\*\*James Monroe was Secretary of War at this time, for, after the burning of Washington,
he took over the office.

out 5000 men from that State to march immediately to your command in addition to 2500 already understood to be on their way to join you- He has also directed the Governor of Georgia to hold in readiness to march on your call 2500 of Militia of Georgia- Your orders as to the troops of Kentucky remain as I understand in force-Should the invasion be delayed until these troops arrive I hope with the aid of the Choctaws to whom ample presents of Blankets Arms &c will be immediately sent you will be able to protect that important point of the Union from pillage & massacre. You will certainly be assailed this winter- A portion of the British force we have ever reason to believe is destined to act against New Orleans. Remember that 30,000 men are employed in defence of Virginia & nearly as many in each of the States [of] Maryland & New York. New Orleans is the Capital of the West, the only place of Deposit of nearly 2,000,000 of souls, far remote from aid and as well worth defending as any point in the Union- With these reflections before you I trust you will not fail to call out the whole force of the adjoining states should they be wanting to enable you to defend the Country.

It will give me great pleasure to hear from you occasionally, and should any thing in this quarter occur worthy of your notice you shall hear from Sir Your Obt Servt

James Brown

Maj<sup>r</sup>. Genl Andrew Jackson At Headquarters Near Mobile Mississippe T<sup>r</sup> (James Brown private Sep<sup>t</sup> 26 1814 Free J Brown to be ans<sup>d</sup>) Major Gen<sup>1</sup> Andrew Jackson

#### To James Monroe87

Senate Chamber Oct 1st. 1814

Dear Sir.

I have this day received a letter from the Honb. T.B. Robertson<sup>88</sup> dated Wythe County Virginia of which the following is an extract.

"It is useless to speak of late events, but I cannot avoid urging

<sup>\*\*</sup> Monroe Papers, Library of Congress.

\*\*\* Thomas Bolling Robertson (1773-November 5, 1828) was born and died in Virginia. He became a lawyer and moved to New Orleans where he was soon made secretary for the territory of Orleans. He served in Congress from Louisiana from December 23, 1812, until 1819, when he declined to stand for re-election. He was elected governor of Louisiana in 1820 and resigned in 1824 to accept appointment as United States district judge for that state.—Appleton's Oyclopaedia of American Biography, V, 280.

Mr Fromentinss and yourself to press the immediate march of Kentucky and Tennessee troops to Louisiana. I am sure you have done this. Does not the President know that that Country, with a small effort, may be now held and rendered secure, but if lost, it is lost for years, if not forever. From eight to ten thousand militia ought to be immediately sent. They can no where be more properly employed. One would suppose that the Western States would insist on giving their force that direction. What to them are Canada and the St Lawrence compared with Louisiana & the Mississippi? What to the United States? Not that I am opposed to efforts against the enemies country- far from it- They should be redoubled- Take the regulars- take the Militia of the Eastern and Northern States, but deprive us not of our last hope."

A letter from a Gentleman in New Orleans states that Lafette<sup>90</sup> has escaped from jail- that the Pirates have written to the

<sup>\*\*</sup>So Eligius Fromentin was born in France and died in New Orleans, October 6, 1822. He was a Jesuit priest, but after moving to the United States he studied law, married, and settled in New Orleans. He served in the United States Senate from 1813 to 1819; was judge of the United States court in New Orleans in 1821; and presided over the court in West Florida in January, 1822, while Jackson was governor there. He and Jackson became involved in a dispute over the arrest and release of Callava which led to an appeal to the President, who stood by Jackson. He was totally unfit for the position and was soon forced out of office. He returned to his legal practice, but died in a short time of yellow fever, within twenty four hours after his wife died of the same disease.—Appleton, op. cit., II, 553; John Spencer Bassett, The Life of Andrew Jackson, 300, 310, 312, 313, 319.

to his legal practice, but died in a short time of yellow fever, within twenty four hours after his wife died of the same disease.—Appleton, op. cit., II, 553; John Spencer Bassett, The Life of Andrew Jackson, 300, 310, 312, 313, 319.

\*\*O The Baratarians were technically pirates who collected from various places at the Island of Guadaloupe and sailed under French license as privateers. The capture of the island by the British in 1810 and the subsequent expiration of their licenses as privateers made it necessary for them to procure other governmental authority. They turned to the new republic of Cartagena which recognized them and gave them new licenses. They seized Barataris Bay in Louisana, where they could dispose of their produce, and on the Island Grande Terre in the bay they sold their ships and produce freely. The best people purchased goods here free of duty. Frequent seizures were nothing compared to the profits made, and agents of the government were accused of being in with them. A group of interested men in New Orleans protected them, among whom was Edward Livingston, their retained council. Many of their ships did not have any license or had forged papers. Claiborne would drive them out, but they would soon return; however, neither Wilkinson nor Flournoy bothered them. Jackson was their inveterate enemy. In 1814 Jean Lafitte was their leader. He had been a blacksmith in New Orleans promous of French extraction. He was a man of courage, energy, and leadership. On September 3, 1814, the Eritish ship, Sophia, appeared at Grande Terre with letters from Nicholis, nwich which Lafitte was asked to join the British against the Americans. He was offered a commission and his followers were offered land, but they must not disturb the Spanish commerce any more. They were to sell their ships to the British; appeared 330,000 from the British, obey the British admiral; and receive a verbal promise of \$30,000 from the British, obey the British admiral; and receive a verbal promise of \$30,000 from the British, obe

Governor proposing in case they are pardoned to join the United States in defence of the Island of Orleans & stating & sending copies of letters showing that they have been solicited to join the British- Has the Governor addressed to you this intelligence?

#### Yours James Brown

Col. James Monroe

(1814- Oct<sup>b</sup>. 1. Senate Chamber James Brown- Quoting a letter from T.B. Robertson- a necessity of arming the militia—in Kentucky and sending it to the defence of N-Orleans—Lafitte—the pirate proposing if pardoned to join in the defence of the country—Proposals made to him by the British.) [This was written on the letter.]

# To Andrew Jackson<sup>91</sup> (private)

Washington Octr. 29th. 1814

Sir

The latest accounts from England are to the 1<sup>st</sup> of Sept<sup>r</sup>. Lord Hill<sup>92</sup> at that time had not left England, but was expected to embark on the 10<sup>th</sup>., put in at Cork for a part of his forces, and sail for some part of our coast. The lateness of the season induces most reflecting men to conclude that his destination will be, in the first instance Bermuda or the West Indies, and ultimately New Orleans. Lord Cochrane<sup>93</sup> left Halifax on the 12<sup>th</sup>. Inst. and the fleet of thirty sail which left the Chesapeake on the 30<sup>th</sup> Ult<sup>o</sup>. has not been heard from since sailing. On the 6<sup>th</sup>. Inst they had not reached Bermuda and as their direction on leaving this bay was South East, I fear they have gone to form a junction with Lord Hill on the West Indies station. You may expect in all

<sup>&</sup>lt;sup>91</sup> Jackson Papers, Library of Congress.
<sup>92</sup> Roland Hill (First Viscount Hill) was born at Prees, Shropshire, England, August 11, 1772, and died in England, December 10, 1842. He entered the army as an ensign in 1790 and by 1809 he was a lieutenant general. He served with distinction in the Peninsular war, and at Waterloo. He became a general in 1825 and from 1828 until 1842 he was commander-inchief of the army. He was made a viscount in 1842.—Century Dictionary and Cyclopedia, IX, 504

<sup>504.

55</sup> Lord (Thomas) Cochrane (December 14, 1775-October 31, 1860) was born in Annsfield, England, and died in Kensington. He was a Scottish nobleman and noted British naval commander. As early as 1801 he began to prey upon the Spanish ships. He entered Parliament in 1806; was fighting the French fleet in 1809; but in February 1814, he was accused of circulating a fraudulent report, that Napoleon was dead, for speculative purposes. He was expelled from the House of Commons, dismissed from the navy, and sentenced to a year imprisonment. His constituents stood by him and returned him to Parliament. In November, 1818, he reached Chile to organize their navy for them. He did almost the impossible there in procuring a fleet and helped start the liberation of the western coast, but his quarrel with San Martin led to his resignation. From March, 1823, to 1825, he commanded the Brazilian fleet, and from 1827 to 1828 he commanded the Greek fleet. In 1832 he was exonerated of the charges of 1814; restored to his rank in the navy, and in the order of the Bath; and was made vice-admiral in 1841 and rear-admiral in 1854.—Century Dictionary and Oyclopedia, IX, 263.

probability a direct attack on the Island of Orleans for many reasons. The vast quantity of produce long accumulating at that place holds out the promise of a rich booty in case of a successful invasion. The feeble and unprotected state in which the City has long remained is well known to the enemy and has impressed them with the idea that it will, by a coup de main, fall an easy prey to a resolute invader. Its distance from a populous country, and its local position capable of being rendered strong by naval and land batteries, added to the defenses afforded by its vast morasses, may lead them to suppose that they can hold it against our arms until the return of summer, when its character for insalubrity may deter our Militia from descending to regain it. The country on the east of the lake Pontchartrain being poor and thinly inhabited holds out but few temptations either to cupidity or ambition. The possession of Mobile has but little effect on the prosperity of the Western States, and affords but scanty means of supplying a large army, whilst New Orleans is the key to a population of 2,000,000 of people and enables them to revenge upon the Western States the injuries of a War in declaring which the enemy assigns them an important agency. These ideas are suggested altho I suppose they have already occured to you and have induced you to adopt corresponding measures. Before you receive this letter I trust you will have received the aid of ten thousand brave inhabitants of your state. Three thousand more will leave Louisville about the 15th. Novr. and I believe 2500 are on their march from Georgia. The nature of the population in Louisiana mixed of different nations and speaking a foreign language will suggest the propriety of selecting for that station the best diciplined and most exemplary and subordinate corps, in order to keep up a good understanding between the old and new citizens-It is said that corps of Volunteers in Kentucky will be accepted in addition to the drafts from that state. Let me entreat that you will not consider any parts of my ideas which you may find in this or former letters as proceeding from a distrust in your judgment or disposition as it relates to our protection. In both I sincerely declare my unbending confidence and feel happy that my all in that Country is confided to your guardianship.

It will give me great pleasure to hear from you.

I am Dr Sir Your Obt Servt.

James Brown

Mair. Genl Andrew Jsckson Major General Andrew Jsckson New Orleans

Should General J not have reached N. O. the post master will please forward this

(The Honble James Brown Octo 29, 1814) Private Free J Brown (From Hone James Brown Oct. 29th 1814)

## To James Monroe94

Senate Chamber Saturday [Nov. 1814]

Dear Sir

Knowing that your anxiety for the safety of New Orleans is as great as my own, I hasten to relieve it by informing you that Mr Fromentin<sup>95</sup> and myself have received letters from that place as late as the 10th. Inst. Gen! Jackson had arrived on the 1st. Troops were rapidly arriving and a general confidence existed that the place could be defended. Capt Patterson had previous to his arrival selected positions admirably adapted to guard the pass' up the river and Gen! Jackson had gone down to construct a battery at the Balize to prevent the passage of the Bar at the Mouth of the river96—Upon the whole I hope that the vigorous measures which you so promptly adopted for our defence, and for which we feel a proper and deep obligation, will be crowned with complete success.

#### I am Dr Sir

Your friend James Brown

Honb. James Monroe Honb. James Monroe (private Mr Brown Senate)

<sup>&</sup>lt;sup>94</sup> Monroe Papers, Library of Congress.

<sup>95</sup> See note 89, above.

<sup>&</sup>lt;sup>95</sup> See note 89, above. <sup>96</sup> Five shallow passes take the water from the Mississippi to the Gulf. The best of thes was then about twelve feet deep and was defended by the old fort at Balize which was useless because the British could use the other passes. On December 16, 1814, Jackson wrote Monrot that the British had captured his piquit; had taken off with the three pilots and were i Balize. On November 4, 1814, Jackson received a letter from Claiborne relating how hard would be for an army and navy to co-operate in defense of Balize and the Southwest pass On September 18, 1814, he wrote Monroe that a battery had been erected at Balize at the mouth of the river some thirty miles below Fort St. Phillip (Plaquemines). On December 1814, he wrote Colonel Arthur P. Hayne from Balize, where he had gone to examine the for that the Southwest Pass, twenty-one miles below Fort St. Phillip and about eleven miles about Balize, would be the best for the English to use. He was opposed to the fortifying of Balize.—Bassett, Life of Jackson, 144; John Spencer Bassett, Correspondence of Andrew Jackson, Il 53, 90, 91, 107, 108, 116.

#### To Andrew Jackson97

# Washington Decr 5th. 1816 [1815? 1814]

Dear Sir

I have this moment received a paper from Savannah and have barely time by the Mail to give you its highly important contents. Captain Isuaes a gentleman of the first respectability has just arrived from Providence which place he left of the 13th. Ulto He left there 1200 black troops ready to embark for New Orleans as soon as they should be called for by the grand expedition from Jamaica which place Captain Isuaes left a few days before—At Jamaica a considerable force had already assembled and they were bringing in the garrisons of Martinique and Guadaloupe amounting to several thousand men to join in the Expedition -All the vessels of an easy draft of water were hired at the high price of six pounds per ton as transports and the object was avowed to be New Orleans-You will have warm work there immediately-Are you ready? The vast plunder at New Orleans will make that place a primary object—I fear the force there is no ways equal to the object-For Gods sake do not let that fine country fall a prey to the enemy-A desperate valor can alone save it—The error here was a dependence on a general Action near the City to which Militia is not competent when opposed to regulars—The enemy might be met on the edge of the water and skirmished from the moment of landing-If possible the Flottilla must prevent a landing-The settlements about Mobile hold out but few inducements to an attack—They are poor and thinly settled-Think of New Orleans as the main point-It is meant to hold it and fortify it—This is clear from the tenor of the dispatches from Ghent-This administration in spite of every remonstrance had neglected the defence of that important Country —Once lost to the Western country it is ravaged—ruined—perhaps lost forever. Should you save it you immortalize your own name and those of all concerned-Rouse a desperate valor, like your own, amongst your men-place yourself at New Orleans the real

<sup>&</sup>lt;sup>97</sup> Jackson Papers, Library of Congress. The date on this letter appears to be 1816, but some one has changed it to 1815 and had it mounted under that date, but it certainly was written before the battle of New Orleans and should be dated December 5, 1814.

and important point of attack and I trust in God you will save it The mail closes May God prosper you

James Brown

Gen<sup>1</sup> Jackson Major General Andrew Jackson N. Orleans

Free J Brown

(James Brown 5 Decr 1815 Received 17. Jan: 1815)

To Andrew Jackson's

Washington Jany 3rd. 1815

Dear Sir

A Rheumatism in my right arm and shoulder is so very painful as to render it very difficult to write so as to be at all legible—I am however happy in informing you that your arrival in New Orleans has in some degree revived our desponding spirits, and we now feel a hope that, uniting the exertions of all well disposed citizens, you will be able to render the important Key to the Western States impregnable—The whole island is a defile, and cannon and battery are its proper defense—These should be well chosen well supplied and numerous—New Orleans saved, every thing else can be regained even if lost—That once in the power of the enemy will be retaken with difficulty if at all—The passes of Chef Menteur<sup>90</sup> and the regolets<sup>100</sup> and lake Borgne<sup>101</sup> cannot be too strong—We have induced the Secretary of War<sup>102</sup> to send the Gallant General Gaines<sup>103</sup> to assist you and in case of accidents

98 Jackson Papers, Library of Congress.

<sup>&</sup>lt;sup>99</sup> Chef Menteur is about fifteen miles east of New Orleans and at that time was connected with the city by a narrow bridge of dry earth through the swamps known as the Plains of Gentilly.—Bassett, *Life of Andrew Jackson*, 145.

<sup>100</sup> The Rigolets connected Lake Borgne and Lake Pontchartrain.— Jackson, op. cit., 144.
101 Lake Borgne and Pontchartrain are separated from the Gulf by a chain of islands, and the former is really a bay. Between the river and these lakes is a narrow strip of land on which the city is built. In 1814 the Rigolets were commanded by a small fort called Petites Coquilles, and later called Fort Pike.—Bassett, op. cit., 144; Rand-McNally, Commercial Atlas, 193.

<sup>102</sup> At this time James Monroe was still Secretary of War, for William H. Crawford had not returned from Europe.

<sup>103</sup> Edmund Pendleton Gaines was born in Virginia, March 20, 1777, and died in New Orleans, June 6, 1849. He was a lieutenant in 1799; spent much of his time on the frontier; arrested Burr; was collector at Mobile, but resigned to become a lawyer; entered the army in 1812; and became a major that year. He became a colonel in 1813; brigadier-general, March 9, 1814; and then brevet major-general. He was sent as a commissioner to treat with the Creeks in 1816; and then located on the Florida frontier where he fought the Indians. He was wounded in the war with the Seminoles in 1836, and in the Mexican War he called out the militia in the South without permission, for which he was tried by a court martial but was not censured.—Appleton, op. cit., II, 571-2.

(from which may heaven preserve you) to supply your place. The latest papers from Georgia announce the landing of a large British force at Apalachuola and the Bermuda accounts state that the last fleet has arrived at that place—The times will try mens souls but I feel a hope that we shall be found equal to the emergency—Our frenchmen<sup>104</sup> are brave and if by firm conduct but mild treatment they can receive an impulse in a right direction, of which I entertain no doubt, they will prove themselves the gallant defenders of their Country—We shall pass a Bill authorizing the President to accept State and Volunteer corps for the Service—

I write with such difficulty and pain that I can only subscribe myself

Dear Sir Your Obedient Sert

James Brown

Major Gen<sup>1</sup> Andrew Jackson New Orleans Free J Brown (James Brown 3<sup>d</sup> Jany 1815)

To Andrew Jackson 105

Washington Feby 20th. 1815

Dear Sir

In your letter of the 26th. January you regret the want of arms, and intimate that had they arrived in time the disconfiture of the enemy would have been more complete. I agree in regretting the circumstance and am not disposed to doubt what suppose would have been the result under a different state things. I should do great injustice however to the honest statesman at the head of the War Department did I not acquit him of all reprehension on that subject. He did believe, and I think he has shown reasons for believing that the men ordered from Kentucky had arms in that State. This I am told would have been

September 16, 1814, a meeting was held in New Orleans where Edward Livingston took the lead. He entered into a correspondence with Jackson who was at the time at Mobile. This correspondence developed into a lasting friendship. Livingston became aide to Jackson, Secretary of State, and minister to France. Livingston was made chairman of a committee to enlist the French in the army. He persuaded them that they should assist the Americans, and on September 21 Jackson issued a proclamation to the French, telling them how the English hated them and called on them to be loyal. He also appealed to the free Negroes of New Orleans. They organized under Lacoste and were efficient soldiers. Major Daquin, another Negro, had an army of 210 men and did good fighting.—Bassett, Life of Jackson, 154-6.

the case had not many of the arms, used in the expedition against Canada been left by the Militia in Ohio on their return. So soon as a letter from my friend Governor Shelby 106 communicated the fact that his Militia were without arms, I applied to the Secretary of War<sup>107</sup> who lost no time in forwarding large supplies from Pittsburg and (I believe) Franklinton in Ohio. The Intelligencer which I enclosed you will show that a large portion of these supplies left Pittsburg early in November and Mr Monroe and the Representatives and Senators 108 from Louisiana have been wholly at a loss to account for their delay in discending the river.

Those who confer the greatest benefits upon their Country may themselves be laid under lasting obligations to others. To a generous mind it gives great pleasure to acknowledge these obligations. I should be unjust to the Secretary of War as well as to yourself did I not place his conduct in its true light, and assure you that he has exerted every nerve to place within your reach those means which have under your able direction contributed to save our Country and to secure to yourself an imperishable fame. In every instance he has discovered a sympathy for our Country, an anxiety to promote its interests, and a confidence in your zeal and capacity, which entitle him to your esteem, and that of every honest American. It will afford you pleasure, I am sure, to give, and Mr Monroe to receive assurances, that his patriotic, liberal, and prompt conduct on the late trying occasion has been well understood and duly appreciated, by you. I have witnessed ever exertion he has used, he has submitted to my inspection almost every order he has given pending the eventful effort to save Louisiana, and I pledge my honor to you that when I have the pleasure of seeing you, and detailing them at large,

<sup>106</sup> Isaac Shelby (December 11, 1750—July 18, 1826) was born in Maryland, and died in Kentucky. He followed the trade of surveying in Maryland and Kentucky, but moved to Tennessee in 1771 and three years later he was a lieutenant in the company his father commanded. In 1776 he surveyed in Kentucky and that year he began to fight the Indians on the frontier. He was soon made captain and then commanding general of the Virginia forces and then in 1778 he was made major on the frontier of Virginia. He became colonel, and in 1780 organized the forces to go to South Carolina to fight. He was in the Battle of King's Mountain; again went to the said of South Carolina, and served in the legislature of North Carolina, 1782-3. He surveyed in the Cumberland valley; moved to Kentucky; took part in all the conventions leading up to separation of Kentucky from Virginia; but he opposed all treasonable acts of Wilkinson. He was almost unanimously elected the first governor of Kentucky, but retired to his farm at the end of his first term and refused all offices except that of Presidential elector which he held six times. In 1812 he was again elected governor and organized 4,000 troops and at the age of sixty-three led them to the relief of William Henry Harrison. He refused to become Secretary of War in 1817, but accepted the commission to purchase land from the Choctaws in Kentucky and Tennessee.—Appleton. op. cit., V, 491-2.

107 James Monroe was still acting Secretary of War for William Harris Crawford had not yet returned from Europe.

<sup>108</sup> At this time James Brown and Eligius Fromentin were the Senators from Louisiana and Thomas B. Robertson was the Representative.—National Oyclopaedia of American Biography, Index and Conspectus, 12-13, 31-32; Introduction to these letters; notes, 88, 89, above.

you will be sensible that all was done which could be done after his coming into the administration, to provide you with the means of repelling the enemy.

To attempt to convey to you any adequate idea of the general triumph the universal joy, which have been produced by the disconfiture of the enemy would greatly transcend the limits of a letter. Peace has smiled upon the banners of Victory, and a War emblazoned by instances of bravery, never surpsassed in any Nation, will, I trust, ensure us permanent tranquility. I am Sir with great respect Your obe Serv<sup>t</sup>.

James Brown

Maj<sup>r</sup>. Gen!. Andrew Jackson New Orleans James Brown 20 Febry 1815 (Private) (Free J Brown)

To Andrew Jackson 100

Dear Sir

Washington March 3rd. 1815

The session closes today and I am unable to say what will be the fate of our Military establishmt. Forgetting all the expenses, disgraces, and disasters, which have resulted from the unprepared state in which we engaged in the present war, a Majority of the house of Representatives, has sent us a Bill to reduce our army to six thousand men, and this too when the Executive recommended a strong establishment and told us that the enemy was yet in possession of several of our posts and had thirty five thousand troops on our Continent. The Senate amended the Bill so as to keep in service two Major Generals four Brigadiers, the greater part of the officers of thirty Regiments, and fifteen thousand men- The amendment was last night rejected by a very large Majority of the H of Representatives, nearly all those federalists who till now have abused our Government for their reliance on Militia, voting in favor of the lowest number. This debility after a spasm proves that we have not profited from the lessons of experience and betrays great insensibility to the merits of those gallant regulars who on the Northern frontier have contributed so much to the honor of our Country and to the attainment of a treaty of peace.

<sup>100</sup> Jackson Papers, Library of Congress.

Louisiana is deeply interested in this question, for gallant as are her citizens, noble, brave, and disinterested as has been the conduct of her neighbors of Tennessee and Kentucky, she yet needs a respectable regular force to place her Garrisons in a state of repair, and to prepare her for any sudden emergency. 110

I have not had the pleasure of hearing from you by the two last mails— I hope the enemy has retired and left you a moment of repose which I trust my grateful fellow citizens will endeavor to render agreeable to you by every Kind attention in their power

Have the goodness to present my respects to my friend William P. Anderson<sup>111</sup> I am sorry this gallant officer did not arrive in time to participate as he certainly would have done in the glory of the late events at New Orleans.

I am Dr Sir respectfully Your most Obt Servt Majr Gen1 Andrew Jackson James Brown (Letter from James Brown to Gen A Jackson May [sic] 3d 1815)

## To James Madison<sup>112</sup>

# Washington April 23d. 1816

Sir.

Captain Hamilton has requested me to state what I know respecting the characters of Doctors William Blood & William E Cochran of New Orleans, supposing that you might not be acquainted with them. The first of these Gentlemen has resided in Louisiana ever since I was a citizen of that country, and has held the first rank as a man distinguished by his professional talents, his integrity and patriotism—in the late memorable defense of that city, he bore a very distinguished part, and was sent on board the British Fleet by General Jackson for the purpose of obtaining an exchange of Prisoners. Doctor Cochran served as a volunteer in the Rifle Company of Capt Beale, was made a Prisoner in the

113 Madison Papers, Library of Congress.

<sup>110</sup> In the spring of 1815 the army was organized on a peace basis with two divisions and ajor-general over each division. Jacob Brown commanded in the North and Andrew Jackin the South. From his headquarters at Nashville Jackson directed the distribution and rations south of the Ohio. He had an able assistant in the person of brigadier-general as who commanded on the Florida frontier and Jackson could remain for long periods at Hermitage. The army was to consist of two major-generals, four brigadier-generals, and more than 10,000 men at the discretion of the President of the United States.—Bassett, of Jackson, 231-2; United States Statutes at Large, III, 224.

111 William P. Anderson was one of Jackson's officers. He was made captain in 1804. sett, Writings of Jackson, passim.

action of the 23rd December, and detained on board the fleet until intelligence of the Peace arrived. His character is unblemished, and he possesses the confidence and esteem of the respectable part of Society at New Orleans. I have the honor to be

Respectfully Yr Obed Servt

Hon. William Crawford113 James Brown (Signed) Secy of War

#### To Andrew Jackson 114

Dear General

German Coast Octr. 6th. 1816

I had the pleasure of receiving your letter of the 6th Ulto. For the friendly sentiment expressed in it you will please accepts my grateful acknowledgements You have sketched the character of my opponent with the hand of a master, and if some future Tacitus<sup>115</sup> should be compelled to connect his history with that of Louisiana he might be spared the trouble of drawing his portrait by adopting the one contained in your letter— Wherever he moves like the scuttle fish he leaves filthy and troubled water in his wake— I partake with you in the sensibility which the prospect of seeing so insignificant a being elected Senator of Louisiana excites, but I fear we are destined to experience this degradation great as it is- The fund of credulity seems to be inexhaustible-Deceived a thousand times by him, the people appear to be the ready victims of new arts and unless a miracle happens he will be elected— My necessary absence will afford him a fine occasion for making cold blooded and insidious attacks upon me These hints however are thrown out in confidence, and my apprehensions of the results are founded more upon a knowledge of his arts, and the recollection of his hitherto uninterrupted success, than upon anything I have seen or heard in my journey through

corgia; taught school; admitted to the bar; served in the legislature; fought two duels of olitics, in one of which his opponent was killed, and in the other he himself had a shatter rist. He then entered the United States Senate in 1807. He was President pro tempore as Senate after Clinton died; declined to be Secretary of War in 1813; but went to Fran a minister. In 1815 while on his homeward voyage he was made Secretary of War and the ceretary of the Treasury, which position he held until 1825. He received forty-one elector of the Presidency in 1825, but the House elected John Quincy Adams. In 1827 he tame a district judge in Georgia, which he held until near the end of his life.—Dictionary merican Biography, IV, 527-30.

<sup>114</sup> Jackson Papers, Library of Congress.
118 Cornelius Tacitus was born about 55 A.D. and died in 117. He was a noted Roman agal orator and historian. He was pretor in 88 and consul in 97. He wrote Germania and any other works.—Century Dictionary and Oyclopedia, IX, 973.

the State— Were I to calculate from the treatment I received in a visit to the different Counties, I should be sanguine in my reelection116\_

I yet hope that the disturbances from the Bandetta called the Spanish nation<sup>117</sup> may bring you to New Orleans before my departure— [It] would give me great pleasure to see you before I embark-

Should you write to Mrs. Jackson have the goodness to make my best respects to her and believe me Dear Sir Your friend

Major Gen<sup>1</sup> Andrew Jackson James Brown Majr. Gen! Andrew Jackson Choctaw Agency-Choctaw Agency Octr 13th (Mr James Brown Private Octbr 1816)

Should Gen! Jackson not be at the Agency, Capt. McKee118 is requested to forward this letter to him

S" German Coast La Octr. 6th

## To Andrew Jackson 119

Dear General

New Orleans Octr 24th. 1816

I had the pleasure a few days ago of replying to your very friendly letter of the 6th. Septr and at the moment of embarking for New York have thought it my duty to call your attention to a subject of an interesting nature to a number of needy individuals in this state, and peculiarly interesting to the feelings of our respectable friend Mr Girod<sup>120</sup> the late Mayor of New Orleans

116 William Charles Cole Claiborne was born in Virginia in 1775 and died in New Orleans, November 23, 1817. He received a liberal education; was admitted to the bar; settled in Nashville where he soon became a judge; he helped form the state constitution in 1796; served in Congress, March 23, 1797 to March 3, 1801; he was made governor of Mississippi Territory in 1802; and in 1803 he and James Wilkinson were delegated to receive Louisians from the French. He was made governor of Orleans Territory in 1804; was its governor when it became a state; and was elected to the United States Senate in 1816, but died before he took his seat. Jackson and Claiborne did not get along well together and had many disputes.—Appleton, op. cit., I, 619; Bassett, Writings of Andrew Jackson, passim.

117 Florida was worthless to Spain. It harbored criminals, mauraders, and runaway slaves. Jackson made two expeditions into the country to quiet the criminals there.—Kendric Charles Baboock, Rise of American Nationality, 272, 274, 275-88.

118 John McKee was born in Virginia in 1771; educated at William and Mary; early moved to the Southwest where he was agent of the United States to the Choctaws east of the Mississippi from 1802 to 1816; and spent most of his life among the Indians. He knew most of the leading chiefs in his section, for in 1791 he was one of the three commissioners to survey the boundary from the Clinch river to the Chilhowee mountains, and in 1793 he was sent to pacify the Cherokees to prevent war. The same year he started with five Choctaw chiefs to Philadelphia to see the President, but turned back at Abingdon, Virginia, on account of the yellow fever in Philadelphia. He resided among the Indians. He later settled in Tuscaloosa, Alabama, and represented that state in Congress, March 4, 1823, to March 3, 1829. He, in 1829, negotiated a treaty with the Choctaws which gave much territory to the United States. He died at his home in Alabama, August 12, 1832.—Biographical Directory of Congress, 1266; Bassett, Writings of

Under your orders this Gentleman engaged the services of mules, carts, boats &c for the use of the army, the service being necessarily severe many of the owners have lost their property, and the whole of them remain unpaid at this late period for their services. The accounts in the whole do not amount to fourteen thousand dollars, and were the claimants rich the delay in payment would not be so severely felt, but as they are generally indigent persons owning little property other than that employed in the service of the army their Complaints have been heard in every quarter, and have excited much sensibility for their sufferings, and some mortification on the part of those who feel a lively interest in the Character of the Government. I have examined the accounts and on discovering that some of them were not regularly certified by the proper officers of the Army, I have advised Mr Girod to transmit you copies and request that you would aid him in procuring their authorization in the proper form. It is stated here that an officer with competent funds to pay these claims is expected shortly to arrive in this place. Should this information prove incorrect, I shall represent to the Secretary of War on my arrival in Washington the necessity of immediately doing justice to a population who have so liberally contributed their means and services in the defence of the Country. A letter from you to Mr Crawford121 on that subject would give great weight to the application, and if you can spare the time from your other avocations, I hope you will add one more, to the many obligations we owe you, by writing to him,—

Mr Girod begs me to remind you that these poor people harrass him continually with their claims—that they consider him in some degree responsible, and that he relies confidently on the friendly promise you made him at parting, that they should be promptly paid—

Should Mrs. Jackson be near y[ou be] so good as to make my best respects to her and believe me Dear General Your friend

Gen<sup>1</sup> Jackson

James Brown

Major Gen<sup>1</sup> Andrew Jackson

(Mr Brown letter to be noted when Mr Girods are attended to—Oct 24th. 1816)

<sup>121</sup> See note 113 above.

## To James Monroe<sup>122</sup>

My dear Sir

Havre June 4th. 1817

We sailed from New York on the 2<sup>nd</sup>. Ulto and landed here on the 2<sup>nd</sup>. Inst. The Ship the master and crew were good, our accommodations excellent, our fellow passengers agreeable and the weather unusually fine. Had not M<sup>rs</sup>. B. suffered considerably from sea sickness during the early part of the voyage we should have had nothing of which we could have complained.

I enquired for M<sup>r</sup>. Russell on my arrival but was told he was at Bordeaux and would not return for some time. His partner waited on me and I gave him your letter. I was induced the more readily to do so because I found he had already been to Paris for the purpose of ordering the supplies to which you allude in your letter to me. He informed me that he had directed the Eagle to be placed on the chairs and some other parts of the furniture, but that bird being in bad repute at Court, the workmen were ordered to desist and told that a special permission must be obtained to enable them to execute the work—For this purpose, <sup>123</sup> Mr Russels partner sets out for Paris next week. I presume upon giving proper assurances that this bird of evil omen will speedily take his flight to America he may be permitted to perch upon the furniture of the Government house.

Thousands of English families have taken up their temporary residence in France. This place is the resort of many of them and indeed the small town which is situated in the hills is almost exclusively occupied by them. It is said that they are greatly disliked by the French and have but little intercourse with them. The scarcity is severely felt here, and in every part of France. Flour is now worth 95 Franks and will probably rise in its price.

 $M^{rs.}$  Brown joins me in requesting you to present our respects to  $M^{rs.}$  Monroe. I am Dear Sir

Very sincerely Your obt sert.

The President of the U. S. (James Brown Senator)

James Brown

<sup>123</sup> Monroe Papers, Library of Congress.
125 One of the first things that Napoleon did after becoming Emperor was to select new armorial bearings to replace the Phrygian cap and the Roman Axe and fasces of the Republic. At the imperial court some suggested the Gallic cock, but it was contemptable to Napoleon. They then suggested the symbol of the lion, provisionally, but this did not satisfy the Emperor. He then drew the pen through the report of the committee and wrote above it un Aigle phoyé. Jean Baptist Isabey was then entrusted with the design. At the end of the 100 days many of the eagles were broken up publicly by the colonels at a last parade; others were given to the keeping of the officers; and a few were preserved in the Invalides, including three that were carried at Waterloo. About 130 have been found on the battle fields and hung in the cathedrais and other places in different European courts.—Herbert N. B. Richardson, A Dictionary of Napoleon, 152.

# To James Monroe124

Dear Sir

New York, January 10, 1824

I inclose you a letter which I have just received from our friend General Lafayette, and shall be highly gratified if upon my arrival in Paris it will be in my power to give him any satisfactory information respecting his Claim. 125 Mr. Edward Livingston 126 has, as I believe, been in correspondence with the General on that subject, and can give you the information which he supposes could be obtained from me, and perhaps in a more satisfactory manner than I could now give it, as my attention has not been directed to that subject for several years.

On my arrival in this City I found Captain Creighton<sup>127</sup> confined to his room by a violent inflamation of his eyes, and although now much recovered, yet in a situation which will prevent him from going to sea for some days. If the public interests do not suffer by the delay, I shall not regret it. The voyage will be

not suffer by the delay, I shall not regret it. The voyage will be

124 Marquis de Lafayette (September 6, 1757-May 20, 1834) was of great service to the
United States during the Revolution. He not only gave his time, but spent about \$200,000 of his
own money while in America. In the French Revolution he lost most of his wealth and was
actually in need of ready cash in 1824. In March, 1794, Congress voted him \$24,424 as full
pay and emoluments of a major-general while he was in the United States. An act of Congress
of March 3, 1808, allowed him the rights of an American officers so that he could locate 11,520
acres of land in the United States. It was to be in the Northwest Territory, but Jefferson had
it changed to the Louisian Territory. Twenty years passed before the entire grant was placed,
and it was never free from conflicting claims. On August 14, 1814, Lafayette wrote Jefferson
that he was free of debt. Monroe recommended to Congress that the United States should help
Lafayette. The House recommended a third compensation for him, but the Senate proposed a
gift of \$200,000 and a township of land. Macon, Brown, and others opposed such an exiravagant gift, but Hayne of South Carolina and others were able to force it through the Senate
by a vote of hirty-eight to seven. After considerable squabbling it passed in the same form in
the House by a vote of 166 to twenty-six. The Senate then unanimously approved of the bill.
He did not know what to do with so much money, but finally decided to use \$80,000 to pay up
his debts and the other \$120,000 was to be invested in United States bonds. Colonel John McKee
of Alabams was to locate his land for him, for which service he was to receive one section of
the land. He selected the land in Fiorida and first township, north, range one, east. It could
all be cultivated and much of it was first-class land. McKee took section five for himself and
had three months to locate the land in Fiorida and first township, north, range one, east. It could
allow the section of this

less disagreeable in February than in this month as the weather will probably be more moderate and the days longer. The latest accounts from Europe would encourage a hope that France will not unite with Spain in a crusade against her former colonies. 128 At all events any such enterprise would be postponed until another Congress of Sovereigns shall have deliberated on the subject. 129

A Mr Peyton who was the bearer of a letter from Mr Jefferson to you, recommending him as a proper person to go with me to France in the Capacity of Private Secretary called on me this morning. It gave me great concern to be unable to give him the place as I had already bestowed it on Mr Bourne I had received so many proofs of Kindness and Confidence from Mr Jefferson that it would have afforded me a high gratification to have acceded to his wishes had it been in my power and I was truly sorry that the application had not been made when I had the means of accepting it. Several gentlemen of less standing and fortune have made similar applications on behalf of their sons now in Europe, but I have not forgotten the friendly hint you gave me, that these attachés could be of little or no use, and occasioned trouble and expense.

I hope Mrs. Monroe continues to improve in her health. Mrs. Brown requests you to make her best respects to Mrs. Monroe & Mrs Hav130

I am Dear Sir, with great esteem & regard Your Obliged & obedt. Servant

The President of the U States. (Jany 10, 1824 J. Brown)

James Brown

<sup>128</sup> After the war with Napoleon England signed a treaty with Spain to remain neutral in the contest between Spain and her colonies. Spain, however, seized many English vessels engaged in trade with Spanish America. In 1822 so many were captured that Canning sent a squadron to the West Indies to make reprisals. In 1822 he made favorable comments on the United States' policy of recognition. On October 20, 1822, the meeting of Verona took place, where representatives of England, France, Austria, Russia, and Prussia met to discuss world conditions. England, after hearing that the reconquest of Spanish American would be discussed, withdrew from the Congress. By the end of April, 1823, absolute government had been restored in Spain under Ferdinand VII, and after that England held more aloof from Spanish affairs. On August 16, 1823, Canning asked Rush, the American minister in England, about a joint recognition of Spanish America and three times more spoke to him about it. On October 9, 1823, Canning told Polignac what to expect if France should attempt to help conquer these lost colonies. England feared that France would assist in the reconquest, as had been done in Piedmont, Naples, and in Spain. She demanded before France went into Spain that if she should become mistress of Spain she would not acquire any Spanish American colonies, but even after England said that she was not to acquire any Spanish American colonies, but even after England said that she was not to acquire any of them, France kept her reserve, Most leading men in the United States favored a joint declaration with England, but John Quincy Adams held out and the Monroe Doctrine was issued.—A Curtis Wilgus, History of Hispanic America, 236, 558, 639-41; Turner, Rise of New West, 211-16.

129 England heatisted to recognize these colonies, but towards the end of 1823 appointed consuls to some of them. On December 24, 1824, the Cabinet decided to recognize Mexico and Colombia and sent ministers to both countries. On January 3, 1825, the recognition was m

# To James Monroe<sup>131</sup>

Dear Sir,

New York January 23, 1824

I have had the pleasure to receive your favor of the 19th with the letters inclosed; that for Mr Petry<sup>132</sup> I placed in his hands on his arrival here last evening, those for Mr Barnett and Gen! Lafayette shall be carefully kept and delivered immediately after my arrival at Paris. I shall not fail to give the Gen! assurances of your friendly dispositions towards him and of the high estimation in which he is held in this Country. From the dispending tone of several letters I have lately seen written by him to friends in the U States, I shall not be surprized should he visit us in the Course of the present year.

I waited on Captain Creighton yesterday with the view of ascertaining how soon we might expect to embark. Although he has not left his room he professed his determination to go as soon as the alterations made in the ship for the accommodation of Mr Petry could be completed and the necessary stores put on board. From present appearances I hope we shall be ready to sail on the 1st. or 2nd. of February. This delay will, I trust afford you the time necessary for addressing a letter to the Marques of Marbois 133 who, I am sure, will feel great pleasure in hearing from you.

Your conjectures respecting young Peyton, are no doubt correct. The letter he placed in my hands was not the manuscript of Mr Jefferson. On perceiving that my attention was diverted to this circumstance, he observed that Mr. Jefferson being too unwell to be able to write, had employed his granddaughter as his amanuensis. From a regard for his respectable connexions I shall be silent on the subject-

ferson; but some found fault with him for not convicting Burr. He, Littleton W. Tazewell, and William Wirt appeared for Jefferson in the Batture case in 1811 and in 1814 he was appointed for the defendant in Hunter v. Martin. John Quincy Adams appointed him United States district judge for Virginia. Monroe had refused to appoint any of his relatives to office, but as soon as he was out Adams did it. Hay had married the older daughter of Monroe; Samuel L. Gouverneur had married the other daughter of Monroe, and Adams made him postmaster in New York City. George Hay was quite a writer for the Republicans, for liberty of the press and the like. He often wrote for the Richmond Enquirer, and he wrote a history of the bar.—Dictionary of American Biography. VIII. 429-30; Daniel C. Gilman, James Monroe, 211, 223.

<sup>181</sup> Monroe Papers, Library of Congress.

<sup>132</sup> Petry was at this time the French consul at New York. William Taylor who was the American consul at Vera Cruz and Alvarado was entrusted with letters for him and the consul at Philadelphia, but he had to surrender them at the port of Vera Cruz, before the official there would let him sail.—Memoirs of John Quincy Adams, VI, 183.

133 Francois Marbois, Marquis de Barbé, was born in Mets in 1745, and died in Paris in 1837. He was one of the leading statesmen of France for a great many years. He negotiated the sale of Louisians to the United States in 1803. He was also a writer of note.—Century Dictionary and Cyclopedia, IX, 653.

I addressed a letter some days ago to the Secretary of the Navy <sup>134</sup> in which I expressed a wish that the Captain of the Cyane should be directed to land us at Havre or Cherbourg—The journey by land from L'Orient Brest or Rochefort is long and in the rainey month of March will be very unpleasant.

Mr Bourne has just arrived with my Instructions. He was detained two days in Philadelphia by indisposition, and is now con-

fined to his room.

I am happy that M<sup>rs.</sup> Monroe has the prospect of being speedily restored to health and to the enjoyment of the society. M<sup>rs.</sup> Brown renews to her assurances of affection and regard.

I am Dear Sir Your faithful servant

The President of the U States James Brown (May 23—1824—James Brown Minister &c)

## To James Monroe135

Dear Sir

New York Febr 13, 1824

I have had the pleasure of receiving your letters of the 7th and 10th. Inst inclosing letters for Gen! Lafayette, Mr. Barnett, and Mr. Ewing, and 2 Vols. of Documents for Mr Marbois. The letter you propose to address to the last of these gentlemen will arrive before the Cyane can sail, as Capt Creighton has not received his sailing orders although he has been ready and in daily expectation of receiving them. It seems a package of free letters has been lost, and he is apprehensive that his orders have been included in the bundle which is missing.

I am Dr Sir Very respectfully Your Obedt Servant

James Brown

The President of the U States The President of the U States Washington D. C.

(Mr Brown-Minister &c)

<sup>134</sup> Samuel Lewis Southland (June 9, 1787-June 26, 1842) taught school; graduated at Princeton; was admitted to the bar in 1809; elected to the legislature in 1814; and was about the same time elected to the New Jersey supreme court, which position he held for five years, and part of the time he was reporter for the court also. In 1820 he was Presidential elector and chosen to the Senate. He was Secretary of the Navy from 1823 until March 3, 1829. Part of the time he was Secretary of War and of the Treasury also. In 1829 he was defeated for the Senate in New Jersey, but was soon made attorney general of the state. He was governor of New Jersey in 1832 and served in the United States Senate from 1833 until 1842. In 1838 he became president of the Morris Canal and Banking Company. He was also engaged in other commercial enterprises.—National Oyclopaedia of American Biography, VI, 85-6.

#### To James Monroe<sup>136</sup>

New York Feby 15, 1824

Dear Sir

The mail of yesterday having failed, I did not receive your favor of the 11th until this morning. I shall not fail to deliver your letter to M Marbois.

The Commander of the Cyane informs me that he has been fully prepared for sailing more than a week past, and has only waited for the necessary orders from the Dept. of Navy. He had supposed his orders had been lost on the Way, but by a note I have had from him this morning. I learn that he is uncertain how long he may yet be delayed. It would be desireable to avoid approaching the Cost of France during the Equinox and were it possible to sail immediately we might finish our voyage before the 20th. of March.

I am Dear Sir with great esteem & regard your Obedt. Servant The President of U States James Brown The President of the United States Washington D. C. (James Brown, Minister & c)

#### To James Monroe<sup>137</sup>

New York Feby 20, 1824

Dear Sir.

Mr Bourne came on to this place with the expectation of going in my family to Paris, and in case I should not want his services of continuing his journey to the Hague on a visit to his relative Mr. Everett138. Since his arrival here his health, which has for some time, been very delicate, has become so bad, that he prefers returning to Washington with a view of reestablishing it, and if possible of obtaining some place which would afford him honorable occupation and a decent support. Believing that his prospects would be better in his own country than they could

<sup>136</sup> Monroe Papers, Library of Congress.
137 Monroe Papers, Library of Congress.
138 Alexander Hill Everett was born in Massachusetts, March 19, 1792, and died, June 28, 1847. He was secretary to John Quincy Adams for two years. After 1812 he was secretary to the legation in the Netherlands for a year, and then minister from 1818 to 1824. He was then editor and proprietor of the North American Review. From 1830 to 1835 he was in the Massachusetts legislature, and in 1840 he was the United States agent in Cuba. In 1845 he became president of Jefferson College in Louisiana and then went to China as commissioner, where he died. He was author of many articles and books.—Appleton's Oyclopaedia of American Biography, II, 336-7.

be in Europe, and entertaining the hope that his fathers services with his own correct morals & good education, would afford him a well grounded hope of being employed, I have heartily approved the course he has determined to pursue, and shall feel highly gratified if some place could be assigned him in some of the public offices which would insure him employment and independence. I was then inclined to advise him to return from a complete persuasion that I could not find employment for him at Paris, and that he could promise himself no permanent benefit from a voyage which must have terminated in disappointment.

It will give me great pleasure to hear that M<sup>r</sup> Bourne has recovered his health and has obtained an appointment which would afford him the means of being useful to himself and his Country. He informs me that M<sup>r</sup> Adams has been so good as to take an interest in his fortunes, and he has my best wishes for his success.

I am Dr Sir with very great respect Your very faithful servant

James Brown

The President of the U States (Feby 20, 1824 Mr Brown J<sup>s</sup>.)

#### To James Monroe<sup>139</sup>

#### Paris April 15th. 1824

My Dear Sir

I arrived at Cherbourg on the 21 of March, and after remaining there one day, I resumed my journey, and arrived in this City on the 30<sup>th</sup>. Mr Sheldon called on me immediately, and informed me, that as the King received only once a fortnight, and as he had received that day, I should not be presented until the next day of reception of the corps diplomatique. He added that the rapidly declining of the Kings health, had for some time, induced him to limit his receptions to the customary days, and that it was not at all probable, that he would deviate from the established usage. On the next morning, I addressed to Mr De Chateaubriand a note announcing my arrival, and my public

<sup>150</sup> Monroe Papers, Library of Congress.

140 Chateaubriand, Francois René Auguste Visconte de, was born in France, September 14, 1768, and died in Paris, July 4, 1848. He entered the army in 1786; traveled in America, 1791-2; entered the royalist army in 1792; and later emigrated to England where he published political works. In 1800 he returned to France; and having been converted from infielity he wrote on the Catholic church. In 1803 he was made secretary to the legation at Rome, and in November of that year he was made minister to Valois. He supported the Bourbons with his pen in 1814, and he was made a peer in France the next year. He was ambassador to England in 1822 and minister of Foreign affairs, 1823-4. He was noted for his writings on various topics.—Century Dictionary and Oyclopedia, IX, 239.

character; and requesting an interview. In his answer, which I received next morning, he appointed the following day to receive me, I waited on him, and presented my credentials, upon which he promised to inform me of his majestys determination He seemed to invite a conversation upon the rapid growth and improvements of our Country, which he observed, he had visited many years ago, and I answered his enquiries in the hope that he might touch upon some topic of a political character, interesting to our Government. In this however I was disappointed and after making him some compliments upon what I had really perceived. as well on my journey, as after my arrival here, the increasing improvement of the Country and towns of France since the peace of 1815, I took my leave. On the 5th, he wrote me a note to inform me, that I would be received by the King on the 13. It was not without some reluctance that I could resolve to make my speech to the King141—and my compliments to the different members of the Royal family in the french language but I was told that it would be better received and therefore I did so. The answer of the King reciprocated, in very neat and appropriate terms, my expressions of Kindly feeling on the part of our Government for France and the reception, as well by him, as by each of the royal branches was upon the whole polite—The change in the appearance of the King since I saw him six years ago made a very strong impression upon me. Those however who know his situation do not express any apprehension for his existance—

I had the pleasure of delivering your letters to Gen¹. Lafayette¹⁴², whose health and spirits appear to be renovated by the marks of respect which he has received from the American People. From some quarters hints have been given that these attentions spring rather from hostility to the reigning family than from a

<sup>141</sup> Louis XVIII (Stanislas Xavier) was born in Versailles, November 17, 1755, and died in Paris, September 16, 1824. He was king of France from 1814 to 1824. He emigrated from France in 1791 and assumed the title of Louis XVIII on the death of the young son of Louis XVI, who was called Louis XVII although he was never king. He ascended the throne in 1814 when Napoleon was sent to the Island of Elba. He promulgated a constitution based on the English model, but he was overthrown by Napoleon in March of 1815 and retreated to the allies who returned him to the throne after the battle of Waterloo.—Gentury Dictionary and Cyclopedia, IX, 624.

Oyclopedia, IX, 624.

143 Lafayette was a member of the Assembly of Notables on July 26, 1787, and in 1789 he was in the Estates General. On July 26, 1789, he was made commander of the national guard, and on October 8, 1791, he was raised to the rank of lieutenant-general, and in the war against Austria he had an army of 42,000 men. He planned to remove the king; he opposed the Jacobins; and refused to obey the assembly, for which he was removed. He fled to Belgium and then was made prisoner and taken to Austria where he was turned over to the Prussians. He was offered liberty if he would assist the allies, but he refused. He spent a year in the Wesel prison and then he was removed to Magdeburg, and then spent four years in Olmuts loathsome dungeon. England and the United States protested. By the aid of a German Doctor Bollman and Francis Kinlock of South Carolina he escaped, but was soon captured. He was set free, September 23, 1797, by the victory of Napoleon, who offered him many positions. Jefferson offered to make him governor of Louisiana.—Appleton, op. cit., III, 589.

desire to confer honor on the General—The impression however is by no means general, and there are many who, although the[y] dislike the political character of General Lafayette, are yet sufficiently liberal to do justice to the motives of the American people and not a few who consider the attentions bestowed upon him as honors conferred on France. Anterior to the late elections and whilst the struggles of party existed, we should have received the thanks of many connected with the Government for removing him from the country, but since that time the liberal party is so completely prostrated, that it can no longer excite any apprehension. Their number in the Chamber of Deputies does not exceed seventeen, and the creation of new Peers has rendered all opposition in the other branches unavailing. General Lafayette has been with me very frequently since my arrival, but has not informed me what he intends to do in consequence of the invitation<sup>143</sup>. He intimated that as he had already enjoyed all the benefits of the offers of a public vessel, he felt disposed to sail in a private packet and thus save to the government the expences of sending out an armed Vessel. I fear he wants money as it has been intimated to me that he wished to borrow a few thousand dollars. He has never intimated anything of that nature to me, and I hope my informant may be mistaken.

I delivered your books sent to Mr de Marbois<sup>144</sup> with the letter committed to my care. He appeared very sensible of the value of your friendship and grateful for your attentions to him. He expressed in strong terms his appreciation of your Message<sup>145</sup> which he said was not only the best but the best timed state paper which he had ever read, and he hoped Europe would be benefited by the check it might give to a career contrary to her own true policy and best interests. He expressed a hope that Mr Chateaubriand would have a conversation with me on the subject of Spanish affairs with which I would have reason to be satisfied. In a word I found him the same kind friend to both France and America that he was when I saw him six years ago. He as well as some other of our French friends remain-friends to the prosperity of both countries express their fears that our leaning is now towards England and regret the coolness which the[y] perceive or think they perceive between France and U. States

<sup>&</sup>lt;sup>145</sup> In 1824 Congress unanimously passed a resolution asking Lafayette to visit the United States and offered him the use of a United States war vessel for his transportation. He came but did not use the transportation offered him. Appleton, op. ct., III, 398.

<sup>144</sup> See note 133 above. 145 He, here, refers to the Monroe Doctrine.

I fear the claims and indeed most of the other subjects in discussion between the two Countries will long continue undecided<sup>146</sup>. I shall however push each of the points to which my instructions relate and leave no effort untried to bring the discussions to a close.

I send you a work which was sent me with a Note from the author, requesting it to be transmitted to you—

A Gentleman whose name you mentioned to me is Washington as going to England and afterwards intending to pay a visit to France, has arrived. Our friend in England has written to me that if I should believe, as he did, that the period had gone by, when his prospects of attending to the affair in question could with any benefit to those who had sent him no longer existed. But I shall give him my written opinion to that effect and that he might abandon all further steps in pursuit of that object. I shall permit him to remain a few days in order that I may inquire more into the circumstances of the case before I determine on the course I shall pursue although I am strongly inclined to concur in the opinion of our friend. Some circumstances of an ancient date and with a very religious man long confined here may render his stay unpleasant to him, and had I been informed of these I should have advised his remaining eleswehere for some time—I shall do all I can to render his situation agreeable-

I passed an evening with Mr Chateaubriand where I was introduced to Mr Hauterive who is now in the confidence of the Government. He expressed a great desire to see France and America remain on a friendly footing and remarked that we ought to make Paris our Metropolis—Upon its being very delicately hinted that it rested with France to induce us to think so, by a friendly conduct to us in doing justice to our reclamations, he replied that is true I know it well but I am not the Government—

<sup>146</sup> The treaty with France in 1800 released the United States from the treaties of 1778, but it cost the United States the surrender of the spoilation claims, for Napoleon insisted that they should stand or fall together. The Senate hesitated and then ratified for eight years and reserved the right for indenmity. On December 19, 1801, it was ratified with the indemnity left out, but France never paid them. The claims which caused so much negotiation grew from the destruction of American boats after 1800. Nothing could be done as long as Louis XVIII and Charles X were on the throne, but when Louis Philippe became king in 1830 our chances were increased. On July 4, 1831, France agreed to pay 25,000,000 francs for all her claims, in six annual payments, and the United States was to remove the duty on wine and pay France 1,500,000 francs. The Deputies would not appropriate the money. Finally Jackson drew a draft on the French government through the United States Bank. The draft was returned and the United States had to pay the cost which was about \$170,000. Biddle had to hold it out of the interest due the government on its stock. Jackson recommended that French property in this country be seized to satisfy the claims. The minister was recalled from the United States and France said she would vote the money after Jackson had explained his remarks. England interceded and Jackson in his message of 1835 told Congress that four of the installments had been paid.—Bassett, The Federalist System, 250-51; Bassett, Short History of the United States, 417-19.

I have not had a line from Mr Nelson<sup>147</sup>. Nor do I know how he has been received at Madrid.

This letter will be sent by M<sup>r</sup>. Cadman a very estimable young Gentleman from New York who goes in the Monlane and who has promised to put it in the Post Office on his arrival. It is in every sense intended for your own instruction only, and if you approve of my adopting that course I shall whenever I shall find a safe opportunity write you freely and fully an account of facts and circumstances as they occur.

M<sup>rs</sup>. Brown suffered greatly on the voyage from sea-sickness but now enjoys perfect health. She retains an affectionate recollection of the Ladies of your family & prays you to present them

with her best respects.

The Captain of the Cyane and ever officer under his command conducted themselves with regard to my family in a manner the most engaging. As many of them as could leave the ship dined with us at Cherbourg and we separated, as I believe mutually pleased with each other—

I am dear Sir, With sincere esteem, Your very faithful &

very humble Servant

James Brown

James Monroe Esq<sup>r</sup>
President of the U States—
(April 15, 1824 Mr Brown)

#### To James Monroe148

#### Paris May 30th 1824

Dear Sir

The necessity imposed upon me of accepting numerous invitations for the evening, and thus exposing myself to the night air, brought on a return of the rheumatism attended with considerable fever which confined me for some days to my room. I do not know however whether I shall not have reason in the end to consider this as a fortunate circumstance. My aversion to having recourse to a Physician induced me to submit to my complaint so long as the pain could be tolerated, & I thus postponed the use of remedies which might long ago have restored my health. To re-

<sup>&</sup>lt;sup>147</sup> Hugh Nelson was born in Virginia, September 30, 1768, and died there, March 18, 1836. He graduated at William and Mary in 1790; was in the state legislature and its speaker; and was made a judge in the general court. He was Presidential elector for Pinckney in 1800; served in Congress from Virginia from November 4, 1811 to January 14, 1823; and minister to Spain, January 15, 1823, until November 24, 1824.—Appleton, op. cit., IV, 492.
<sup>145</sup> Monroe Papers, Library of Congress.

lieve my last attack I was recommended to Doctor Depuytren the confidential Physician of Napoleon. He assured me that with the use of the remedies which he would prescribe, I would in a few weeks be restored to perfect health, and that the recurrance of the disease would be a very improbable event. The success which has followed the use of his prescription for the last fortnight is so very great, that I feel now encouraged to hope for an entire restoration of my health.

I believe it is more difficult now than at any former period, to make any satisfactory calculation upon what will be the measures adopted by the great European powers. If England was disposed to enter heartily into the continental policy, it would be more easy to anticipate future operations. If the same power could be supposed wholly unconnected with the Continent the difficulty of predicting what would be done by her and also by the powers of Europe would be considerably lessened. But connected as Great Britain is with the New World by her commercial relations, and with the continent of Europe by her continental possessions the affairs in the Mediterranean and her interest she feels in avoiding a rupture, which although it would not endanger her existance would involve her in great financial embarrassments, it is extremely uncertain in case of the necessity occuring of choosing between the policy necessary to secure these interests and those she discovers in prospect of the Independence of the American States, to say to which she will give the preference. Of her wish to see the New American States independent I have little doubt. I have as little doubt of her wishing them to establish Monarchical Governments, although I believe this wish is subordinate to that for their independence<sup>149</sup>. The disposition of the Continental Sovereigns is equally clear against the independence of those States and in favor of reducing them to their former state of Colonial dependence upon the Continent of Europe. The power of Great Britain upon the Ocean forbids the hope of realizing their schemes should she oppose them. The condition as well of Spain<sup>150</sup> as of

<sup>140</sup> The Quadruple Alliance did not like the stand that England and the United States had taken in regard to Spanish America, but the fact that Great Britain had about the only navy in Europe made the European nations hesitate. Austria, Russia, and Prussia protested against a course that "tended to encourage that revolutionary spirit it had been found so difficult to control in Europe." Canning said "we have called in the New World to redress the balance of the Old". but Metternich said Canning was a "malevolent meteor hurled by an angry Providence upon Europe."—Charles Downer Hazen, Europe Since 1815, I, 52; Turner, Rise of the New West, 221-2.

150 Conditions were so bad and Ferdinand so detested in Spain that each year from 1814 to 1820 there were revolutions, but all those who in any way favored liberty were ruthlessly suppressed. The one in 1820 was more extensive than the others and stirred the people and they demanded the constitution of 1812, and the king to save himself, on March 7, 1820, declared in favor of it. The Quadruple Alliance had the Austrians and Russians crush the revolutions in Naples and Piedmont; and the Congress of Verona decided that Russia, Austria, Prussia, and France should send identical notes to their ministers at Madrid demanding imme-

Portugal<sup>151</sup> opposes additional obstacles to the success of military intervention in the affairs of South America. The tranquility of Spain is far from being restored, and even if that were actually established, the exhaustion of the finances, & the want of either army or navy, forbid all enterprizes sufficiently extensive to afford a hope of success. The condition of Portugal is perhaps no better. One son successful in the rebellion against his father the wife and another son for several days in possession by usurpation of the royal authority, and yet the Government without sufficient energy to punish either the principal Conspirators or their associates 152.

to punish either the principal Conspirators or their associates 152.

diate restoration of Ferdinand to the fullness of his power and if it was not done war was to be declared. In April, 1828, Duke Angoulene, heir presumptive to the French throne, crossed the Pyrenees with 100.000 men. Spain had no army or navy and in six months the French army traversed from the north to the south. They besiged Cadis and the war ended with the army traversed from the north to the south. They besiged Cadis and the war ended with the wild animals; horrible executions took place; and thousands were driven out. France tried to stop the butchery, but with little success.—Hazen, op. cit., 39-40, 48-51.

181 1807 when Napoleon invaded Portugal, the capital was moved to Brazil from which place, Rio de Janeiro, Portugal was ruled in the interest of Brazil. The king arrived in January, 1808, and on December 16, 1815, the king recognized Portugal and Brazil as equals, and same mother, was proclaimed king of both countries. He lived in Brazil and a regent ruled Portugal. After the war was over in Europe Marshal Beresford kept his office and many English officers remained with him. The people now hated them for they had become masters and not guests. They could not keep order. The commander could not prevent twelve personn being subgroup to the court in Spain in the spring of 1820, he set out across the Adantic to tell John VI about it, and persuade the king to return. Before he was across the ocean the government he left behind had fallen. On August 24, 1820, at Oporto the revolt began. A junta was called to make a constitution; the regency was deposed, September 15, 1820; and a provisional junta was easily and the approval of England, which she would not grant.—C. A. Fyffe, History of Modern Europe, III, 185-191; William Spence Robertson, History of Latis American Nations, 153-5.

124 On Pebruary 24, 1821, the king approved the Portugese constitution, was finished. Design and the procession of the history and the spain of the procession

Under these embarassing circumstances circumstances have as I believe suspended the decision of the questions whether a meeting of the Allied Sovereigns would be held this summer, whether England would take part in it, and even to what subjects their deliberations should relate. I have associated much with those who I supposed would be best informed on these points, and have not been able to obtain any information on which I can place entire confidence. If G Britain could obtain assurances that the question of Independence of the American States would remain untouched, it is probable she might consent to send a Minister to a Congress. These affairs of the American States & those of Portugal and Spain have evidently produced some coolness between the Governments of the Continent and that of Great Britain. the instance of the affair of portugal some jealousy of British influence prevails at this place, and it is said that opposition has been made by Mr de Neuvelle to the appointment of Marshall Beresford<sup>153</sup> as commander of the Portugese army.

I have just received a letter from Mr Middleton 154 informing me that he has concluded a convention with the Emperor on the subject of the contestation respecting the North West coast<sup>155</sup> which he has every reason to believe will be approved by the Government. His letter bears date 2/14th May. As the Bayard sails on the first of June it is probable this may be the first communication you will have recd of that event-

Until something more definite can be discovered I shall delay the departure of a friend who came here by the way of England, and who brought me a letter from Mr Rush<sup>156</sup>. I shall soon be

<sup>188</sup> See note 151, above.

<sup>184</sup> Henry Middleton (September 28, 1770-June 14, 1846) was born in South Carolina; inherited the Middleton Place which he greatly improved; and served in both houses of the legislature for ten years. He was governor of South Carolina, 1810 to 1812; member of Congress, 1815 to 1819 and then became minister to Russia. With a great deal of skill he negotiated the convention of 1824 regulating trade and fisheries in the Pacific. In 1830 he returned to the United States; became a member of the nullification convention; and tried to prevent the passage of the act.—Dictionary of American Biography, XII, 600-601.

185 This treaty involved navigation, trading, and fishing on the Northwest coast. The United States agreed not to go north of fifty-four degrees north latitude and set up settlements, and Russia agreed not to set up settlements south of this line.—Hunter Miller, Treaties of the United States, II, 151-162.

186 Richard Rush (August 29, 1780-July 30, 1859) was admitted to the har in 1800; was

United States, II, 151-162.

188 Richard Rush (August 29, 1780-July 30, 1859) was admitted to the bar in 1800; was made attorney-general of Pennsylvania in 1811; became comptroller of the United States Treasury, 1811; United States Attorney General, 1814 to 1817; served as temporary Secretary of State, 1817; and minister to Great Britain, 1817 to 1825. He negotiated several treaties such as the one of 1818 regarding the fisheries, the one about the northwest boundary line, joint occupation of Oregon, and slaves taken away from the United States contrary to the treaty of Ghent. He became Secretary of the Treasury in 1825; was candidate for Vice-President with Adams, 1828; commissioner to adjust the boundary dispute between Ohio and Michigan in 1835; and in 1836 he was a commissioner to accept the legacy of James Smithson which began the Smithsonian Institution. He went to England to push a case in the court and procured \$508,318.46. From 1847 to 1849 he was minister to France. He was a writer of note and influence.—Appleton's Oyclopaedia of American Biography, V. 350.

able to know whether he can be of any use or whether he may be permitted to return.

General Lafayette has called on me almost every day. He is delighted with the attentions he has received from the American Government and is extremely anxious to sail immediately<sup>157</sup>. I alluded in my last to his pecuniary affairs which I suspected were not such as would permit him to leave France without some difficulty—I wish one half of the sum which the National Vessel offered him would cost had been voted him by Congress to enable him to arrange his affairs and meet the expenses of the voyage. He is willing to raise money at any sacrifice for the purpose of embarking, and looks forward to the honor of landing on our shores as the happiest one of his life. I wish he may be able to accomplish the object which he has so sincerely at heart.

M<sup>rs</sup>. Brown enjoys excellent health and prays that you will make her most affectionate respects to M<sup>rs</sup>. Monroe & M<sup>rs</sup>. Hay<sup>158</sup> to both of whom and to M<sup>r</sup>. Hay I hope you will present my Compl<sup>ts</sup>.

I am Dear Sir with sincere esteem Your very faithful servant.

James Brown

James Monroe President of the U States (May 30 1824 Mr Brown)

To James Monroe<sup>159</sup>

Dear Sir

Paris June 12-1824

Since the date of my last the project of a law proposed by Ministers for the reduction of interest on the public debt, which has passed the Chamber of Deputies by an overwhelming majority, was rejected by the Chamber of Peers. 160 This very unexpected result, has excited much surprize, and created a general expectation of a change of ministry. The circumstance which most puz-

<sup>187</sup> The resolution of Congress to have the President of the United States invite Lafayette to visit the United States and the offer of a national ship for his transportation when he was ready to embark was approved on February 4, 1824.—United States Statutes at Large, IV, 78.
188 See note 130, above.

<sup>189</sup> Monroe Papers, Library of Congress.

<sup>100</sup> A law was passed in 1825 to pay the émigrés about 988,000,000 francs for their land lost in the Revolution. The government could not pay the capital, but it was to pay the interest each year of about 30,000,000 francs. It was finally cut down to about 625,000,000 francs. This was made possible by reducing the interest on the French debt from five to three per cent. This robbed the bondholders to pay the émigrés, which made the capitalist furious.—Hazen, Europe Since 1815, I, 85-6.

zled politicians was the vote given by many of the Kings immediate household who assisted in rejecting the Bill. Mr de Chateaubriand<sup>161</sup> gave the law no support in either Chamber excepts perhaps by his vote, whilst Mr de Vellile exerted all his talents, which are certainly of a very respectable order in its favor. On the 6th. Inst a Royal Ordinance appeared in the Moniteur appointing Mr de Vellile to hold the porte fecille ad interim of foreign affairs in the room of Mr de Chateaubriand. The present Chamber of Deputies appears to have been elected through the influence and management of the Ministers of Finance and of the Interior and they have the safe part of a very strong majority.

The British Newspapers and other sources of information which ought to be considered more authentic, have encouraged a hope that so soon as the determination of Spain to refuse her assent to the recognition of the independence of her American Colonies should be known at London, 162 Ministers would propose to Parliament the adoption of definitive measures on that subject, now considered so important to the Commercial and Manufacturing interests of the Nation. That Body will soon adjourn, and the determination of the British Cabinet cannot long remain a subject of conjecture. It is believed here that France is anxious to conciliate the good will of some of the New States in order to obtain a portion of their Commerce, and the letter from the Governor of Martinique to the Authorities at Carraccas corroborates the opinion. It is expected that agents will be sent to all their ports having similar powers to those with which the agents of Great The financial condition of most of the Britian were invested. Members of the Holy Alliance, and the distracted state of Spain and Portugal, offer but little encouragement to the formation of any plan of restoring by force the dependence of these New States on the Mother Countries. The whole influence however of the powers on this side of the Atlantic will, in all probability be exerted to induce the New States to adopt Monarchical Governments instead of Republican, and the means which they will be able to employ for effecting this object are by no means inconsiderable. Priests, Instructors, private and public agents, and Money will be

<sup>161</sup> See note 140, above.

<sup>162</sup> Early in 1825 George Canning announced to the diplomatic corps in London his intention of recognizing the Spanish American States, and on February 2, 1825, he signed a commercial treaty with Buenos Aires at that place for the United Provinces of La Plats. At Bogotá a similar treaty was signed on April 18, for Columbia; and a treaty was signed in London with Mexico, December 26, 1826. On August 29, 1825, Portugal recognized Brazil, and in 1827 England made a treaty with that country for commercial relations. France signed a treaty with her on January 8, 1826.—Robertson, Latin American Nations. 187-8.

employed in promoting this great design, and with the materials already found there they may affect a great deal, more especially as the Governments are as yet but imperfectly organized, and public credit and public information in a very depressed condition.<sup>163</sup>

I saw Gen¹ Lafayette yesterday and find his heart is fixed upon a voyage to America. I greatly fear however that he will not be able so to arrange his affairs as to enjoy that gratification. I have already alluded in confidence to the state of his finances which is not very fortunate, and I apprehend he will find some difficulty in obtaining a sufficient sum to enable him to arrange his affairs for an absence so protracted from his country and property. I wish one half of the money which it would have cost to have sent the Frigate for him had been granted to enable him to undertake the voyage. His wishes to sail in July and will do so if he can obtain the necessary funds. Almost every Captain of a Packet who has arrived has offered him him a passage without expence to New York. He will be extremely mortified as well as disappointed should he be unable to go, as his intention and wishes are generally known here.

The disposition to build and improve is now more general in Paris than it has been for many years. Courts, and Gardens, and public walks, are daily giving way to Stores, Shops, or magnificent Hotels, and yet rents are nearly double the amount of what they were six years ago. Indeed but few vacant houses are to be found in any fashionable quarter of this City. The passion for building and for gambling in the public funds pervades all classes of society-Political discipline is much less a subject of interest than it was some years ago, and I am not sure that a revocation of the whole of the Charter would produce a very general excitement—Certain it is that the law for septennial elections has scarcely afforded through the gazzettes a topic of sufficient importance to amuse subscribers-Indeed the representative system, trammelled as it is by giving the initiative in all cases to the Executive, and managed as the elections have been for some time; has in a great degree lost its charms for the people, and they attach much less importance to it than they formerly did.

vere used in the elections. They even relieved many prominent liberals of taxes so that they could not meet the tax requirement for voters for membership in that body. They also passed a law that the new chamber should be for seven years and at the end of that time it would be entirely reconstructed, which was an arbitrary change in the charter. There would not be any annual renewals of the chamber as the charter provided.—Hazen, Europe Since 1815, I, 83.

Mrs. Brown requests me to renew to Mrs. Monroe and to Mrs. Hay assurances of her sincere regard

I am Dear Sir Your very faithful servant

James Brown

James Monroe President of the U States (June 12, 1824 Mr Brown)

To James Monroe164

Dear Sir,

Paris July 12, 1824

I am happy to have the opportunity to send this letter by General Lafayette who intendes to leave this City tomorrow and to embark in Cadmus for New York on the 15th. He has been exceedingly delighted with the marks of attention he has received as well from the American Government, as from several of the large Cities who have invited him to visit them during his stay in the United States. The circumstances to which I alluded confidentially in my former letters have imposed upon him extraordinary exertions in order to obtain from some friends the means of accomplishing his own wishes and of meeting the flattering invitation from the people of the country to which he has been so long, and sincerely attached. I cannot repress a hope that, as he has delicately declined the offer of a National ship, and thus avoided subjecting the Country to a considerable expence, the pledges he has been forced to give will be redeemed and some equivalent allowed worthy the character of a people who, as it relates to the officers of our revolution, have but few remaining opportunities of proving that Republics are not ungrateful. I regret that he should commence his journey in a week state of health, but flatter myself, that the air of the sea and the hopes excited by the prospects of meeting old friends and visiting the Country to whose greatness his services have so eminently contributed may restore him to his usual good health-May he safely arrive on our friendly shores for I really believe a more honest excellent mortal man never set his foot upon them-

I have written to M<sup>r</sup> Adams a private letter, and have stated to him some circumstances on which I found a hope that the Holy Alliance will not, in this year, intermeddle by force in the revolutionary struggle of the New Governments of America. In the ab-

<sup>184</sup> Monroe Papers, Library of Congress.

sence of particular information, we must reason as well as we can from circumstances of acknowledged importance, in forming our anticipations as to the future. The rash invasion of Spain, so wickedely conceived and yet so successfully, I had almost said so wisely executed, was hailed as a most happy event by all the exaggerated royalists of Europe. They were unwearied in lavishing their applauses upon those who in the face of strong opposition had planned it, and upon those who had executed it with such energy, alerity, and moderation. "It had restored an amiable Monarch to the throne of his ancestors, it had crushed the Hydra of revolution, it had every where formed royalist armies, devoted to the family of the Bourbons, and had completely reestablished order and good government in Spain and Portugal." Three months have now elapsed since the surrender of Cadiz, and we now find a Monarch in Spain disputing the throne with a brother, 165 a son in Brazil negociating with his father for a part of his Dominions, whilst the wife and another son are plotting against his authority and life at Lisbon. 106 In neither country do we find revenue, organization, a constitution, faithful soldiers or a contented people. It is now admitted that the task of restoring tranquility in Spain is but just commenced. The French army is reenforced instead of being withdrawn, and is daily notwithstanding its excellent discipline becoming more unpopular with the Ultra party. In Portugal foreign troops are required to protect the King against the party of the Queen and priests, and England has been applied to for an army of six thousand—It would appear strange indeed if the prospect of participating in such a state of affairs should be offered, in exchange, to the South Americans for the independence they are struggling to atchieve. If we did not possess too many convincing proofs that Monarchs are not always devoted to their course of policy by a calm and deliberate attention to their best interests we should be inclined to doubt the possibility of their interfering under unfavorable circumstances in distant quarrels in which they would seem to have no immediate concern, but the danger from the success of Governments founded upon the rights of man may induce them to overlook these considerations and endeavor at all hazards to overthrow them.

<sup>165</sup> As reactionary as Ferdinand VII was he did not go far enough to satisfy the extremists in the absolutist faction. The leader of this party was the brother of Ferdinand VII, Don Carlos. They formed a party called Carlists and thought that the principles they advocated could be procured only by his accession to the throne. At the time the king was childless, but in 1829 he married Maria Cristina who in October, 1830, gave birth to a girl who later became Isabella II.—Charles E. Chapman, History of Spain, 497.

<sup>166</sup> See notes 151, 152, above.

I have been very much assisted since my arrival by the industry and business habits of Mr Sheldon who has by his long residence here become so familiar with the duties of his office and particularly in that part of it which relates to the Consular Department—He has saved me much labor and by his obliging disposition and general acquaintance here, has been very useful in giving me a knowledge of the characters of those with whom I have to transact business-You have known him long and I think I have heard you speak favorably of his capacity whilst he was employed in the Treasury. I need scarcely say that his residence in Europe has has increased his attachment if possible to our highly favored country—

There is a rumor at this moment that the question of recognizing the South American Countries has been considered by the British Cabinet and the recognition has been suspended by a majority of two votes—I have this moment received a letter from Mr Rush<sup>167</sup>—He does not mention the circumstances but states that the recognition will take place and that Mr Hurlado the Minister of Columbia had held a conference on the affairs of that Republic with Mr Canning168 which although declared informal was considered as evidence of good feeling, it having been the first instance of this kind which had occurred.

Mr de Marbois<sup>169</sup> repeatedly speaks to me of you in terms of great regard and told me yesterday that he would write to you very shortly

Mrs. Brown joins me in offering our best respects to Mrs. Monroe & Mr & Mrs Hav

I am Dear Sir with sincere your friend & obedt servant

James Brown

James Monroe President of U States (July 12, 1824 Mr Brown)

<sup>167</sup> See note 156, above.

<sup>168</sup> George Canning was born in London, April 11, 1770, and died near London, 1827. He began his career in Parliament in 1794; served as Secretary of State for iffairs from 1807 to 1809; was President of the Board of Control from 1816 to ecretary of Foreign Affairs from 1822 to 1827; and then became Premier in 1827.—
inclinary and Oyclopedia IX, 211.

<sup>169</sup> See note 133, above.

#### To James Monroe<sup>170</sup>

Paris Septr. 26, 1824

My dear Sir

It was my wish to have immediately expressed to you my gratitude for the kind expression contained in your very friendly letter of the 10th. of July, but at the moment when I was elated with the hope of having, at last, recovered from my long and painful indisposition, I was assailed by a slight recurrance of some of its symptoms, and the fatigue of attending the ceremonies of St Louis brought on a severe rheumatic fever which has confined me to my bed for nearly three weeks. My brothers<sup>171</sup> return to the United States offers so good an opportunity of writing, that I cannot omit it although I am unable to sit at my table and now write bolstered up in my bed. The severity of the attack however has passed over, and my physicians flatter me with the hope of an entire cure.

The festivities of St Louis 172 were the immediate precursors of the funeral ceremonies consequent on the death of the King, who expired on the 15th, at 4 oclock in the morning. Monsieur was immediately declared successor to the throne of France under the Name of Charles X173. Immediately after the King's death the royal family left the Tuilleries for St Cloud where the different corps, including the diplomatic, were received on the 17. The body of the King, after lying in state at the Tuilleries until the 23rd., was removed with great pomp to St Dennis. This ceremony was, in the opinion of those who witnessed it, the most splendid

<sup>170</sup> Monroe Papers, Library of Congress.

<sup>170</sup> Monroe Papers, Library of Congress.

171 It could have been John Brown (September 12, 1757 to August 29, 1837). He took part in the Revolution; served in the Virginia legislature from Kentucky while it was part of the state of Virginia; served in the Continental Congress, 1787-88; and was in Congress from 1789 to 1792. He was very active in procuring the separation of Kentucky from Virginia; and was Senator from Kentucky from November 5, 1792 to March 3, 1805.—Appleton, op. cit., I, 422-23. It could have been Dr. Samuel Brown (January 30, 1769-January 12, 1830). He studied in America and Scotland; moved from Virginia to Kentucky and then to New Orleans; married Catherine Percy, near Natchez, Mississippi, in 1809; and lived there on a plantation. After the death of his wife he moved to a plantation near Huntsville, Alabama, where he lived until 1819. He then became teacher of medicine at Transylvania University, which position he held until 1825, when he returned to his estate in Alabama, where he spent the remainder of his life except when he was traveling in Europe and America.—Dictionary of American Biography, III, 152. Preston W. Brown was the other brother, but it is not probable that he was in Europe at this time.—Ibid.

172 See note 141, above.

<sup>172</sup> See note 141, above.

<sup>173</sup> Charles X was born at Versailles, France, October 9, 1757, and died in Görz, Austria, November 6, 1836. He was the brother of Louis XVIII, and King of France from 1824 until 1830. At his birth he received the name of Charles Phillippe and title of Comte d'Artois. He joined the émigrés in 1789, and in 1795 with ships procured from England he intended to land in Brittany to join the Vendéan chief, Charette, but the leader did not attempt a landing. He entered Paris in 1814 with the allies and his brother, Louis XVIII, and on September 24, 1824, upon the death of his brother he became King of France. He was unpopular on account of his ecclesiastical ministers, and on account of his financial and other policies. The revolution of July 27-29, 1830, drove him into exile.—Century Dictionary and Cyclopedia, IX, 236.

that have ever been seen in France—The interment will take place in thirty days with still greater pomp, and every thing will be done to make these events favorable to the cause of Legitimacy. The present King appears to have ascended the throne under the most favorable auspices and has pleased the people by making the Duke of Angoulene<sup>174</sup> now Dalphin, a member of the Council. This Prince is believed to be more liberal in his opinions than any other of the royal family. The Ministry will for sometime remain the same. With the exception of Mr de Vellile it is said to be rather more feble than most of those which have preceded it. The king has promised to convoke the Chamber about the end of December. It is supposed that a question would arise as to the powers of the Deputies it being the opinion of many persons that the Chamber of Deputies is dissolved by the death of the King<sup>175</sup>. The present Chamber however is devoted to the Ministry, and every effort will be made to avoid a new election. The tendency of this country is evidently towards the ancient order of Kings. Indemnity to the Emigres, and perhaps to the prominent leaders of the party of Vendée, large salaries to the higher Clergy, the establishment, and endowment, of convents, selections for promotions in the Army, and Navy, and Church, of the sons of the Noblesse, will probably be the fruits of the law for Septennial elections which passed at the last session. The censorship on the press exists in all its rigor, and scarcely excites a complaint. Peace, industry, and a fruitful soil, have given to the people an unusual share of the comforts of life, and these blessings are attributed to the paternal government of the legitimate Monarch. Such is the apathy as to the principles of Government now existing here, that I am persuaded the Representative system as they call it, might be abolished tomorrow, and the people would say very little about it. It has become quite unfashionable to discuss political questions. and the whole conversation now turns on what passes at Court, and who possesses the greatest influence with the Monarch and his Ministers. But I will forbear making any further remarks on this subject, lest you should think, that the state of my judgment was affected by my indisposition, and that I am destined to see things in an unfavorable light. Happily for us, we are separated by the Ocean from those despotic Governments, and beyond the

<sup>174</sup> See note 150, above.

<sup>175</sup> It is customary in most countries to have a new election of Parliament upon the death of the sovereign. It is believed that since only the king can call for a meeting of Parliament and an election of members to Parliament it is his Parliament and ceases to function at hideath, however, this custom could be changed.

contaminating influence of their crooked policy. It is however of importance that we should take correct views of their situation, and of the system of policy by which their conduct is regulated. Convinced that our republican Institutions have few friends on this powerful Continent we shall be more sensible of the importance of Union and vigilance at home; and more convinced of the necessity of fostering republican principles in the New American States.

I perceive with great satisfaction, that the present season has passed away, and that there is now no reason to apprehend that the Holy Alliance will interfere by force in the affairs of Mexico and South America—Your last Message<sup>176</sup>, the refusal of England<sup>177</sup> to unite in any measures having that tendency, and the want of success in reestablishing order in Spain and Portugal, have all contributed to save the New States from that pernicious intermeddling of those arbiters of Europe-The departure of Iturbide<sup>178</sup> for Mexico inspired sanguine hopes, that a state of civil war and internal discord, would weary the Mexicans with their revolutions and induce them to invite one of the Bourbon family to accept the throne—The just punishment inflicted on this unprincipled adventurer has destroyed these hopes, and has left the Mexicans with no other enemies to contend with than their own dissentions and the intrigues set on foot by the Agents of the Continental powers.

Our prospects of obtaining indemnity for our Claims are as gloomy as ever<sup>179</sup>. I did hope that the adjustment of our difficulties with every other nation might have had some influence on the French Government, and therefore felt much anxiety for the success of Mr Rush's negotiations with the British Government. I have just received a letter from him informing me that he had failed to adjust any one of the points of difference with that Government and that the treaty after the amendments made by the Senate had been rejected. The apparent approximation in feeling of Great Britain and the United States had been viewed with some jealousy

177 See note 128, above.

179 See note 146, above.

<sup>176</sup> He here refers to the Monroe Doctrine of December, 1823.

<sup>178</sup> See note 128, above.

178 Augustin de Iturbide was born on September 27, 1783, and was shot on July
1824. He was colonel in the Spanish army and in 1820 he was made commander of the for
against Guerrero in the southern part of Mexico. On February 24, 1821, he published
"Plan of Iguala" in which he proposed for Mexico independence under a Spanish Bour
prince. Others fell in with him and Viceroy O'Donoju recognized the independence of Me
in the sovereign's name. Ferdinand refused and would not take the Mexican crown, so
May 18, 1822, Iturbide was proclaimed Emperor of Mexico. On July 21, he was crowned
the cathedral, but in March, 1823, he was forced to resign. He went to Italy on a pension
was not to return to Mexico. When he landed in Mexico, in 1824, he was captured and
days later shot.—Century Dictionary and Oyclopedia, IX, 536.

here, and I had some hope that to prevent a too friendly state of things between them France would remove some of the causes of our disatisfaction with her Government—We must keep our claims fresh in their recollection and hope for a moment when they may be urged with success.

Our good friend whom you mention in your letter before going to England in July obtained from me a passport for the Northern part of Europe—Although it would seem that the business of which he spoke when here would not require him to go there immediately, yet I learn from Mr Barnett that he has returned to the continent. He is an excellent man and as he has promised to visit Paris before he returns to America, I hope, that being now established in my Hotel it will be in my power to render this visit more agreeable to him than the last.

M<sup>rs</sup>. Brown enjoys good health and presents you her Compl<sup>ts</sup>. with a request that you will be so kind as to tender her affectionate regards to M<sup>rs</sup>. Monroe & M<sup>rs</sup>. Hay.

Have the goodness to present my respects to M<sup>r</sup> Hay and the Ladies and receive assurances of the sincere esteem of D<sup>r</sup> Sir

Your obliged friend & Obedt. Servant

James Brown

To the President of the United States.

P. S. Inclosed I send a letter a letter and statement which you will either lay aside or make such use of as you think proper—(Septr 26—1824 Mr. Brown).

#### To James Monroe<sup>180</sup>

Paris Octr. 28, 1824

Dear Sir

The last letter which I had the honor of addressing to you was written in my bed to which I was confined for more than eight weeks. My health is now so far restored that I can walk about my room, but I continue so very feeble as to be unable to ride out. My health was very delicate when I embarked at New York, the season was inclement, and the ship damp and uncomfortable. The summer here has been unusually rainy and cold and the visits I was compelled to make exposed me frequently to the night air. Whether

<sup>180</sup> Monroe Papers, Library of Congress.

I shall ever again enjoy robust health is now very doubtful— The hope of being able to attend to the duties imposed upon me by my station sustains my spirits which have been very much depressed by my long and painful confinement.

I have not yet received any answer from the Minister of foreign affairs, to the letter which I last sent him on the subject of our Claims, but hope to obtain it in time to go by the vessels which will sail on the 1st. Novr. The disposition of the French Government to postpone the discussion of our Claims, and, if possible, to avoid the payment of them altogether has been too apparent to be doubted by any one who will read their correspondence with Mr Gallatian—181 The 8th182 article of the Treaty has now furnished them which a ready answer and I greatly apprehend it will not be an easy matter to induce them to abandon the ground they have now taken. The answers of Mr de Vellile and of Montmerring to Mr Gallatin and then of Chateaubriand to the applications made by Mr Sheldon and myself, leave but little hope that the application I have now made will be more successful— The Count de Vellile is said to be the Master Spirit in the Ministry, and having bestowed more attention on the subject than the Minister of foreign affairs, will probably dictate the answer which will be sent to me.

The present state of things here is such as to discourage the hope that any pressure made by our Government on France, or that an apprehension of our resentment will have any effect on the question of our claims. The King has entered on his reign under the most favorable auspices. He enjoys an unusual share of popularity, and is increasing it daily by his gracious manner, and by the answer he makes to the addresses which he receives from all parts of the Kingdom. Parties, hitherto in bitter collision with one an another, now unite in unqualified approbation of the Measures of the King—He has abolished the censorship on the press and promised to protect Commerce the arts and Internal industry. Many of the old servants of Napoleon who have been forbidden the Court and were permitted to languish in poverty and inaction have been sent for, graciously received, and promised employment. The Ministers, it is true, do not partake in the popularity of the Monarch. The Presses of the Ultra and liberal faction unite in recommending their removal. They are accused

<sup>181</sup> Albert Gallatin was one of America's most noted statesmen for half a century.

<sup>&</sup>lt;sup>183</sup> During the first twelve years the ships of France were to have certain concessions in the ports of Louisiana, and article eight provided that after the expiration of the twelve years "the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned".—Hunter Miller, Treaties of the United States, I, 503.

of hostility to the freedom of the Press, or corruption at the late elections, and of incapacity to discharge the duties of Counsellors to the King. The Duke of Angoulene is considered as friendly to liberal doctrines, and since the war in Spain is much beloved as well by the Army as by the people.

The Army is well officered, well disciplined and loyal. The Navy is considerably increased, and a number of vessels are kept in active service with a view to the improvement of the skill and discipline of their crews. The Financial condition of this country is good, certainly very good when compared with that of the nations by whom it is surrounded, and the people generally here believe it to be better than it really is. Their commerce, it is true, is in a very declining state. But this circumstance diminishes the objection to war, particularly with a Nation like ours whose Commerce is valuable, and whose ships are to be found in every sea and in every port. The confidence inspired by all those circumstances is increased by the support of the Holy Alliance which yet exists and whose mightly influence is every where wielded to crush free Governments and to check the growth of liberal opinions—The moment requires on our part the exercise of some prudence—Time is daily improving our condition and increasing our resources. Time may bring about a state of things here more favorable to our just claims. The subject has been brought before Congress, and it is not easy to imagine what course it may take. I cannot foresee any advantage we shall derive from any measures they can take respecting it.

In my last to Mr Adams I mentioned the meeting of the Council of Commerce which had been held under the eye of the King at which M St Crig had made a report respecting our Convention of 1822. I have since been informed that the report presented a full view of all the opinions collected from the Chambers of Commerce and of the facts material to the decision of the question without any expression of opinion on the part of the Reporter, that the subject was under consideration for more than two hours, but being discovered to be one of great difficulty was adjourned for another meeting. An old friend of yours called upon me and informed me that he believed the result would be the opening a new negociation to obtain if possible the terms of the first year of the Convention without the reduction which ultimately ends in equality. He seemed well convinced that if the

Convention was annulled the same state of things would recur which existed in 21-22—

Maj<sup>r</sup>. M<sup>c</sup>. who went from England to Germany wrote me from Mayenas that he would be here in a few days, and requested that his letter should not be sent to him by mail.

Mrs. Brown renews to Mrs. Monroe & Mrs. Hay expressions of sincere regard. I am, Dear Sir your very obedt Servant

James Brown

(Octr 28, 1824 Mr. Brown)

#### To James Monroe<sup>183</sup>

Paris 23rd. Novr. 1824

Dear Sir.

I have remained in the daily expectation of receiving from the Minister of foreign affairs an answer to my letter of the 23 ulto. on the subject of the claims [of] our citizens for indemnity in order that I might send a copy of it to Mr Adams by the vessel which will sail from Harve on the 25th, but have been disappointed. Whether his delay is but a continuation of the system of procrastination which has been pursued for the last eight years or whether it is intended to place the question on some new ground I am unable to conjecture. I should, had my health permitted it, have requested a conference previously to addressing my letter to the Minister of foreign affairs, but being unable to leave my room I had no alternative and was compelled either to delay my application or renew my correspondence. To day I called at the office of foreign affairs at the hour for receiving the diplomatic corps with the hope of being able to converse with him on the whole subject of our claims, and to urge him by every argument in my powers to resume the examination of them without in any way connecting their discussion with the disputed question arising out of the Louisiana treaty—In such a conference, I should have been able to ascertain the character of the answer which my letter would receive and also in case it should be delayed to inform the Secretary of State the ground which would be taken. I learned with great regret that the Minister was confined to his bed by sickness and could not receive me. I immediately addressed a note to him asking a conference and hope to receive his answer to morrow. It would seem from the frequency

<sup>183</sup> Monroe Papers, Library of Congress.

and duration of the Cabinet councils, being held two or three times every week and lasting from two to four hours, that questions of great moment have been on the topic. The King and the Dauphin<sup>184</sup> attend these meetings of the Cabinet, and it is said take a very active share in them. It is believed that the subjects which have been the most prominent have been the evacuation of Spain, the indemnity to the emigrants, and the law on the liberty of the press. The chambers are convoked to meet on the 22<sup>rd</sup>. Decr. The papers, now free185, continue to assail the Ministry, and particularly the Ministers of finance and of the interior, who are plainly accused of having carried the election of the present Chamber of Deputies by Corruption. It is pretty certain that no change of Ministry will take place before the meeting of the Chambers, nor even then if the present Ministers can obtain majorities in both branches. It is more than probable that this will be the case, as the Chamber of deputies having been elected through the influence and exertions of the present Ministers will be disposed to sustain them.

The evacuation of Spain by a portion of the French troops has commenced and will be completed by the first of January, Two Swiss Regiments remain at Madrid, and the residue of the French troops remaining in Spain will garrison Gadiz, Figueras, Barcelona and Pampeluna. Whether this measure on the part of France has received the entire approbation of the other members of the Holy Alliance or not, I cannot precisely ascertain-Their objections however might be easily silenced by asking them to pay their proportion of the expence of the army of occupation which has already cost France more than two hundred Millions of francs. Spain is utterly incapable of refunding or securing the payment of this sum. I have received a letter from Mr Nelson in which he represents the condition of the Country as being deplorable indeed. The Constitutionals and men of easy circumstances and liberal sentiments have either been thrown into dungeons or disarmed, and their lives and property left at the mercy of a lawless rabble who in the name of the King and religion commit every species of crime. The only advantage which results

<sup>184</sup> Dauphin is derived from Dauphiné. It was an ancient province of southern France, bounded by the Rhone, Savoy, Piedmont, and Comtat-Venaissin.—Century Dictionary and Cyclopedia, IX, 310.

<sup>185</sup> The press law of 1819 was more liberal than that of Napoleon, but it only lasted termonths until it was rescinded and censorship restored.—Hazen, Europe Since 1815, I, 80, 83 85, 88, 117, 118, 183, 240, 349. When Charles X, became King, he abolished the censorship of the press; the next year a strict censorship bill passed the Chamber of Deputies, but it was withdrawn from the Peers on account of so many protestations.—Ibid.

from this state of affairs will be felt by the New American Governments which will have time to consolidate their independence and perhaps be freed from the intervention of the Holy Alliance<sup>186</sup> whose interference for the tranquility of Spain has been so very unsuccessful<sup>187</sup>.

Our friend from Richmond passed through Paris a few days ago and is now in London. He received a letter from Mr Adams whilst here and I had presumed he would soon return to the U States. He promised to dine with me and I had asked to have had more Conversation with him but he called on the morning of the day of which I expected him and apologized stating that he had received a letter which required his attention at London where he would stay a few days and then return to Paris.

I have heard that a conference is to be held at Vienna on the question of the Greeks at which the representatives of the Allied sovereigns will attend. Count Lafernoeus, Ambassador at S<sup>t</sup> Petersburg who has been for some time here on a visit passes through Vienna on his return in order to attend that meeting. The campaign has been decisive in favor of the Greeks the whole or nearly the whole of the Egyptian and Turkish fleets having been destroyed in several engagements.<sup>188</sup>

Mrs. Brown is in good health and renews her best respects to Mrs. Monroe & Mrs. Hay to whom you will oblige me by making my best Compts. acceptable. I am Dear Sir, with sincere regard

Your Most Obedt. Servant

The President of the U States

James Brown

<sup>186</sup> The Holy Alliance was worked up by Alexander I of Russia which was enshrouded in religious terms. It was signed by Russia, Prussia, and Austria. The Quadruple Alliance was signed by these three and Great Britain and later France signed it, and it actually did the work of keeping the status quo in Europe; but the Holy Alliance has often been given credit for it, because Austria led in the work and she was a member of both. The first peace of Paris was signed on May 20, 1814, but after the escape of Napoleon from Elba and his second defeat, the second peace of Paris was signed on November 20, 1815, and the business of the Quadruple Alliance was to enforce this last treaty. This alliance grew into the Concert of Europe.—Hazen, Europe Since 1815, I, 11, 12, 31; R. B. Mowat, A History of European Diplomacy, 1815-1914, 20-26, 242.

<sup>187</sup> All laws since 1820 in Spain were repealed; the "Society of the Exterminating Angel began a mad hunt for liberals, throwing them in to prison, shooting them down, etc."; the Juntas of Purification urged it on; hundreds were executed; and thousands were driven out. The French government tried to stop it, but with little success.—Hazen, Europe Since 1815, I, 50, 83.

<sup>188</sup> Huge loans from Europe and the large number of men who went from Europe to fight for the Greeks enabled them to win by 1824. But Mehamet Ali, Pasha of Egypt, came to the aid of Turkey in the summer of 1824. The Greeks were able to defeat the combined fleets of these nations in several engagements. However, by 1825 the tide turned against the Greeks to some extent.—Britannica, X, 821.

### To James Monroe<sup>189</sup>

Paris, January 20, 1825

My dear Sir,

You have in my former letters my apology for having written to you less frequently than I should have done under more favorable circumstances, and it gives me great satisfaction to assure you that such has within the last month been the regular progress of my recovery from a long state of suffering and decrepitude, that unless some very unexpected change should take place I have every reason to hope that in the course of another month, I shall again enjoy a state of confirmed health.

Your last message is spoken of in the warmest terms of approbation by all those who feel the least regard for liberal principles, without producing, as far as I can learn any great excitement on the part of those who are friendly to the principles of the Holy Alliance. These last had read your Message of the preceding session, and had from that been taught to expect what would, on certain interesting points be the character of the one at the opening of the present session. Indeed the declaration of England that she would no longer postpone the recognition of the South Americans Governments<sup>190</sup> has attracted all the attention of the friends of the Holy Alliance, and engrossed all the censure which they direct against the measure. Notwithstanding the repeated declaration of Mr Canning that his measure would shortly be adopted by the British Cabinet, the determination when officially announced appeared to excite surprise. The Representatives of the Allied Sovereigns have not, so far as I can learn, been very communicative, as to the light in which they view the conduct of Great Britain, wishing perhaps to secure Instructions from their respective Sovereigns before they express their opinions. It is said that Carriers were immediately dispatched with the intelligence to the different Courts. The French Government I think will use all its influence to preserve peace. The present Ministers (particularly Mr de Vellile) derive their popularity in a great measure from the prosperous condition of the Finances, and therefore would not willingly do any thing which could add to the burthens of the people or reduce the prices of the public securities. At the opening of the two Chambers a law was proposed provideing indemnity to the

<sup>189</sup> Monroe Papers, Library of Congress.

<sup>190</sup> See note 162, above.

Emigres and thereby greatly increasing the public debt— The condition of Spain still requires, and may long require the occupation of that Kingdom by troops of France, and such is the state of her finances that she has not at present, and may not for many years have, either money or the credit necessary to repay to France the sums she has already expended and continues to expend on the army of occupation. I am therefore convinced that instead of going to war with England on account of the recognition of the Colonies, France would prefer to follow her example, and open commercial intercourse with those countries. The negociation which was broken off with the St Domingo Commissioners may probably be renewed, and the Independence of the Haitian<sup>191</sup> Government acknowledged by France. Indeed since the publication by the Emperor of the Correspondence on that subject, the Ministry here has been censured by many, for refusing to acknowledge the Independence of that Island, by which, it is said, they might have obtained a large sum as an indemnity to the former proprietors. and a valuable extension of their commerce.

It is not probable that Russia Austria and Prussia will be pleased with the conduct of Great Britain, but I think they are so well convinced of their inability to resist the course of British policy that they will reluctantly acquiesce in it.

I have to encounter here as it relates to our claims the same delay and unjust policy which was adopted in relation to my predecessor during his long residence at this Court. The present Minister of foreign affairs leaves my letters for months without being answered and in consequence acknowledges that he does not understand the subject and excuses himself by saying that he has not yet had time to examine it. Mr de Neuville is expected in Paris in two or three days and I think it probable that he will be appointed to treat with me on that subsect and also on the 8 article of the Louisiana Treaty. You can easily imagine how pleasant it will be to discuss these questions with him, and the probability that this will be my situation brings to my recollection the observation of Mr Adams before I left Washington "that I should have a great deal of trouble with the Government". I have however resolved to lay in a good stock of patience and meet the impetuosity of his tempter with as much calmness as I can command.

<sup>191</sup> The history of Hayti and Santo Domingo after 1795 is one long story of plots and counter-plots. In 1821 they tried to set up independence, but it was one long struggle before it was an accomplished fact.—Robertson, History of Latin American Nations, 438-40.

Our most excellent friend the Marquis de Marbois to whom I sent a copy of the Message was highly delighted with it and transmitted it immediately to the Minister of foreign affairs. The vigor of intellect, and fine flow of spirits which Mr Marbois possesses at his advanced age are really extraordinary. He continues to take a very active share in public affairs and is highly respected for the probity of his character and the soundness of his judgement.

The reception of General Lafayette, and the terms in which you have recommended him to the notice of Congress, are spoken of by all men of liberal minds, with marked approbation. Such conduct cannot but raise our internal character abroad; and in the New Governments of our hemisphere it must have a tendency to inspire and invigorate patriotism. I hope Congress will not, by any parsiomonious calculations, destroy the effect of their generosity.

Mr Donnell son of Mr John Donnell of Baltimore who was attached to Mr Nelsons legation has lately arrived from Madrid and is now a Member of my family. He speaks of Mr Nelsons 192 situation at Madrid as being very uncomfortable in consequence of the state of the Country and the want of society. He has made his arrangements I am told to return next spring to Virginia.

One of our Virginia acquaintances who came out on business which he found in November would no longer require his attention, has lately arrived in this City from London. I saw him a day or two ago and think it probable he may remain here until Spring. I am a stranger to the business in which he is engaged, if indeed he is engaged in any business, but I will do all I can to make his time pass agreeably.

Before this letter can in all probability reach you your long and honorable career in public life will have terminated. To you this event must be a source of pleasure. You are secure in a reputation which has been saved from all the dangers to which those of the best of men are often exposed in times of strong party feelings and you carry with you into retirement the approbation of your conscience and the esteem of all that is good and estimable in society. Yet I cannot think of your retirement without some very painful emotions. My country loses the active services of a pure patriot, and a safe and practised politician, and I am deprived of the friend at the head of our Government, who was always

<sup>193</sup> See note 147, above.

<sup>198</sup> Most of our early leaders, including Washington, Hamilton, and Jefferson, had been indiscreet to a certain extent or at least reports were circulated derogatory to their characters, but no such reports ever got out on James Monroe.

destined to view with some indulgence the mistakes and defects of those under his immediate direction— Shall we hereafter have the good fortune to see placed at the head of our Government men who by a happy mixture of firmness and moderation, can command tranquility at home and consideration abroad? I confess I feel some sollicitude at seeing the last of our revolutionary Presidents taking his leave of public life. I wish I may be disappointed, but I fear we may not see exactly the same kind of men in those who follow them. I every day set more and more value on revolutionary merit—

If it will not disturb your retirement it would be gratification to me to write to you and to inform you of what is passing in this great theater during my stay in Europe. It would gratify me exceedingly to hear from you but I have no right to ask or expect it.

M<sup>rs</sup>. Brown joins me in tendering my respects to M<sup>rs</sup>. Monroe and to M<sup>r</sup> & M<sup>rs</sup>. Hay. I am Dear sir with sincere regards

Your friend & obedt. Servt

James Brown

James Monroe President of the U States (Jany 20— 1825 Paris Mr Brown)

To James Monroe 194

Paris Feby 23, 1826

My dear Sir,

I have had the pleasure of receiving a very acceptable letter from you inclosing one for M<sup>r</sup> Barnet which was immediately after delivered to him. I am happy to state in answer to your very kind inquiries respecting my health, that it has been much improved by a short visit to the mineral waters of Aix in Savoy, and that my strength which had been greatly impaired by my long indisposition, is now nearly restored.

You will have learned from Mr Adams that the French Government persists in refusing to treat on the subject of our Claims unless in connexion with the claim of France under the 8 article of the Louisiana Treaty. This I have been instructed not to consent to and consequently all negotiation is, for the present broken off. How we shall best proceed is a question which it belongs to others

<sup>194</sup> Monroe Papers, Library of Congress.

and not to me to decide. I regret exceedingly that Mr de Neuville stumbled on this difficulty, as without it, perhaps, something might have been effected. It is true the question of Claims, independently of the embarrassments produced by the treaty is sufficiently complicated and difficult, as France will expect some reduction on the amount claimed, to which reduction the Claimants have shewn no disposition to consent. Without the approbation of the Claimants it is possible the Government would feel some unwillingness to accept less than the full amount of what is due with interest upon the sum— In the instance of the Florida<sup>195</sup> treaty the Claimants threatened to apply to Congress for payment by the Government of any balance which might remain due to them in case the five Millions stipulated for should not be sufficient to pay their claims. It is here highly necessary that the right of the Government to make the best bargain it can for Claimants should be asserted and established as the exercise of it may often be necessary to avoid an appeal to force. However clear rights may be in certain cases, yet the evils produced by War are so serious, that a Nation may, in many instances, by justifiable in avoiding them by making some sacrifices of the rights of its citizens-

The death of the Emperor Alexander 196 has shaken the confidence formerly reposed in the Holy Alliance and excited hopes and fears as to the future state of Europe. The small states of Germany, Switzerland, and Poland have felt the weight of this Alliance in the innumerable petty vexations experienced in their internal affairs, and they hoped that a dissolution of it would leave them a greater degree of independence. The great powers, none of whom are in a state of preparation for war, anticipate hostilities as a consequence of a rupture of the chain which binds sovereigns together. The discontentents which have long been felt in Russia, and which have been repressed by the weight of character of the late Emperor, have broken out in acts of rebellion on some recent occasions, and arrests have taken place, it is said to the number of fourteen hundred, among which persons and Princes of distinc-

<sup>195</sup> After the Jackson episode Secretary Adams told Spain that she would have to police Florida or cede it to the United States. Spain, fearing that she would lose the territory, ceded it to the United States by the treaty of February 22, 1819. The treaty also fixed the boundary of Louisiana and Texas. Each nation renounced its claims for injuries and claims against the other and the United States agreed to pay to American citizens a sum not exceeding \$5,000,000 for claims against Spain.—Kendric Charles Babcock, Rise of American Nationality, 285-7.

<sup>10</sup>c claims against spain.—Renaric Unaries Baccock, Ruse of American Nationality, 285-7.

10c Alexander I, (December 23, 1777-December 1, 1825) became Emperor of Russia in 1800. He worked hard for the education and western civilization of his people; for the introduction of trade and manufacture for his country; for the abolition of serfdom; and for the betterment of Russia. He fought Napoleon several times in the French Revolution; fought a successful war with Turkey, 1806-12; took a leading part in the overthrow of Napoleon; and played a leading role at the Congress of Vienna. He became King of Poland in 1815; helped form the Holy and Quadruple Alliances; and took part in the preservation of the status quo of Europe.—Century Dictionary and Cyclopedia, IX, 35.

tion are comprized, some of whom will be capitally punished and others sentenced to banishment. It is believed by many that the army can be kept in subordination only by an attack upon Turkey. England, France, Prussia, and Austria will employ all their influence to prevent this determination and it is believed that self preservation will recommend it so strongly that the Emperor will adopt it. 197 All this however is but conjecture and may turn out very differently from appearances. It is difficult to calculate what may be the movements of mighty masses especially when many of the things which put them in motion are concealed from the closest observation— In all that have happened however the New American Republics have great reason to rejoice in as much as they have had the time and opportunity allowed them to atchieve their independence and to mature and consolidate their Institutions.

General Count Ambocegeac who married a daughter of General Rochambeau<sup>198</sup> sent by my hands a letter to you. He has called several times to know if any answer has been sent. I do not know how far you may feel inclined to notice his application to you or whether you think his application ought to be laid before Congress.

I was happy to hear of Mr Hays<sup>199</sup> appointment to the place of Judge of the District Court of his native state. He will be able to discharge the duties of that office without depriving Mrs. Monroe of the society of her daughter and grand daughter. Their kindness to Mrs. Brown and myself during our residence in Washington, and their amiable recollections of us during our long absence command our most unfeigned gratitude. We pray you to present to them our most affectionate and respectful expressions of regard-

I sincerely pray that you may long continue to enjoy health and happiness in your retirement for a long life of honorable disinterested and useful services to your Country. I shall never cease to be grateful to you for the kind manner in which you have noticed

<sup>197</sup> The Tsar had worked hard for his people, but he had failed. His diplomacy had not been a success; he realized that his efforts to preserve peace in Europe had cost him the powerful army he formerly possessed; and that there were conspiracies on all sides. He hesitated between peace and war, and while on the Black Sea with some leaders of the war party he died. The heir to the throne was Constantine, a brutal ignorant savage, but he had renounced his claim to the throne some years before. This dispute led to civil war; Nicholas became an opponent of the Holy Alliance; and helped defeat the Turks and free Greece.—Fyfie, History of Europe, II, 317-20.

Greece.—Fyffe, History of Europe, II, 317-20.

198 Vimeure, Jean Baptiste Donatien de Comte de Rochambeau (1725-1807), was a French officer in the War of the Austrian Succession and in the Seven Years War; commander of the French forces in America in 1780; co-operated with Washington in the defeat of Cornwallia at Yorktown; became marshal in 1792; and was imprisoned in the reign of terror. His son, Donatien Marie Joseph de Vicomte de Rochambeau (April 7, 1856-October 18, 1813), served in the American Revolution with his father; became governor of the Leeward Islands; capitulated to the English; was captured by the British in Santo Domingo in 1803; was freed in 1811; served under Napoleon; and was killed at Leipsic.—Century Dictionary and Cyclopedia, IX, 1039.

<sup>199</sup> See note 130, above.

me, and shall neglect no occasion to evince my gratitude by endeavoring to discharge with fidelity and zeal the duties of the distinguished office which you have conferred on me.

I am Dear Sir, with sincere regard

Your friend & very Obedt Servant

James Brown

James Monroe Esq (Feby 23— 1826 Mr. Brown—)

## To James Monroe<sup>200</sup>

Paris Septr 30, 1826.

My dear Sir

I have received a very friendly letter from you which was the more interesting for the reference it contained to your private affairs, in which I beg you to be assured, I shall always feel a lively interest. I discover that the Bill for the settlement of you accounts has passed but I would have been more gratified if I had learned that the allowance had gone to the extent of you claims and had been enacted with a good grace. Justice may sometimes be granted in a manner so ungracious as to give it the character of an injury. No Country has been served at so small an expence, and with such general fidelity, and ability, as ours. Our public men have been patriots who have forgotten their own interests in the desire of promoting the welfare of their country. Whilst the expenses of living have increased every where, and with them the growth and wealth of our Republic, its servants have been expected to drudge on with the same compensation which they received and found inadequate forty years ago. The American people are not generally illiberal, nor do I believe that if facts were fairly presented to their view that they would wish this state of things to continue. The letter of Mr Jefferson to his grandson<sup>201</sup> written a short time before his death wrung my heart with grief and mortification. It is scarcely to be believed that a Patriot who had so eminently contributed to found our happy Institutions, and who to the neglect of his private interests, had devoted sixty long years to the service

soo Monroe Papers, Library of Congress.

sol The oldest grandson of Thomas Jefferson was Thomas Jefferson Randolph (September 12, 1792-October 8, 1875). He settled up the estate of Jefferson, and after selling all his property he paid \$40,000 from his own pocket to finish paying his debts. He later wrote the Life and Correspondence of Thomas Jefferson in four volumes. He served in the Virginia legislature; was considered an expert in taxes and financial affairs; a great democratic leader; and for seven years he was rector of the University of Virginia.—Appleton's Cyclopaedia of American Biography, V, 173-4.

of his Country, should have had the evening of his life, in other respects so calm, serene, and happy, embittered by the want of a sum, which would have amounted to but a few cents to each of the Millions to whose happiness he has so essentially contributed. Perhaps this striking instance of the want of national liberality may have a salutory influence on the future.202 The applauses we received on account of our conduct towards General Lafayette and the reproaches which are uttered abroad at our suffering Mr Jefferson to languish in straitened circumstances, may awake a proud Nation to a sense of the value of Character, and instruct it as to the necessity of being just to those who have rendered it important services. I hope too, that the years you have faithfully and usefully toiled for your Country, will not be forgotten, and that Congress will adopt some mode of making comfortable the retirement of those who have filled the first office in the world. In the mean time the hope you express that the sale of your Albemarle estate will leave an amount sufficient to enable Mrs. Monroe and you to live comfortably during the residue of your lives has been a source of consolation to me and I sincerely wish that it may be realized. I thank you for your kind wish that I may escape the fate of most of my predecessors who have held Diplomatic Stations in Europe. My escape must certainly depend on abridging the time of my absence, and in endeavoring not to spend more than the combined amount of my salary and private income. The misfortune is that when we are so far from home, the latter is not easily estimated. My crops, in addition to the risks of the elements, may after being sold, be exposed to loss from the failure of my factors; and indeed I find the amount of one years revenue put in great jeopardy by the failure of a Commission Merchant in New Orleans, from whose hands I should have withdrawn my funds had I been near enough to estimate the risks of leaving them with him. Fortunately I owe nothing and although somewhat slovenly in my private affairs Mrs. Brown possesses habits of order and arrangement which secure me against imposition and waste. The rents of houses and indeed every other expense of living have nearly doubled since my partner went to Paris.

so2 Jefferson was dreadfully in debt when he left the White House, but a loan from the banks tided him over. In 1814 he sold his library to Congress for \$23,000, about one fourth of its real value. A few years later he endorsed a note for \$20,000 for Governor Wilson C. Nicholas which he had to pay, not because Nicholas was dishonest, but hard luck and the panic broke him. This alone added \$1,200 extra expense to his finances each year. He almost lost Monticello by foreclosure. In 1826 Philip Howe, mayor of New York city raised \$8,500 for him; Philadelphia gave him \$5,000; and Baltimore, \$3,000. He died twenty-nine minutes to one in the afternoon of July 4, 1826. John Adams died a few hours later. The daughter of Jefferson and her children had lost their home and had no support, so the legislature of South Carolina donated \$10,000 to her, and the Virginia legislature donated a similar amount.—Appleton, op. cit., III, 422-3; Henry S. Randall, Life of Thomas Jefferson, III, 531-3.

The state of things in Europe is far from being tranquil and nothing but the lassitude consequent upon years of war, and the exhausted state of the finances of the European powers, can give any security for the continuance of peace. The adoption of the Representative system in Portugal has alarmed and offended Ferdinand. He has issued a Proclamation stating that a pernicious popular system in his immediate vicinity might be dangerous to the subjects of any other power than Spain, and declaring that he will never change the happy system of Government already established in his Kingdom. A few Portuguese troops, deluded by frantic monks and Priests, having deserted into Spain, a demand was made that they should be surrendered for trial, to which Spain only gave an evasive answer.203 It is now said that three or four thousand regular Spanish troops, with their officers at their head, have passed into Portugal carrying with them their horses, arms, and accoutrements. These have requested the Government of Portugal to exert its influence to persuade Ferdinand to adopt a representative Government, and have declared that in case he refuses to comply they will return to Spain collect the liberals, march to Madrid and force his compliance. England having long been the Protector and Ally of Portugal, and France having assumed the guardianship of Spain, it will remain with these powers, peaceably if they can, forcibly if they must; to settle these disputes.

The Persians have lately, with a pretty considerable force, invaded the Russian possessions in Georgia, and destroyed some villages, making captives of the women and children. The Emperor has ordered General Yermaloff to repell force by force, and to demand immediate satisfaction for the injuries, on the refusal of which he is to commence hostilities.

The Turkish Commissioners having adopted in the Conference at Akerman<sup>204</sup> their usual system of evasion and delay it is said that the Emperor has assigned the 7th. of October as the day for crossing the Pruth unless his conditions are complied with. The Sultan having as he supposed, completely put down the Janizaries,205 and re-

<sup>203</sup> See note 152, above.

<sup>&</sup>lt;sup>203</sup> See note 152, above.

<sup>204</sup> Akerman, Akyerman, or Akherman is a seaport in Bessarabia, Russia, on an estuary of the Dniester. Here a treaty was concluded on October 6, 1826, by which Russia was granted navigation of the Black Sea and agreements were made regarding Moldavia, Wallachia, and Serbia. The non-fulfillment of this treaty by Turkey is what really led to the war between these two nations in 1828-29.—Century Dictionary and Cyclopedia, IX, 26.

<sup>205</sup> Janizars means new troops. It at one time constituted the Sultan's guard and his main standing army. It was first organized in the fourteenth century and until the latter part of the seventeenth century it was taken largely from compulsory conscripts and converts taken from the Rayos or Christian subjects. Later others joined it on account of its privileges. It became powerful and turbulent and often controlled the government. After a revolt, provoked by the Sultan, Mahmud II, in 1826, many thousands of these were massacred and the organization was abolished.—Century Dictionary and Cyclopedia, IX, 561.

stored tranquility in his Capital, was about restoring the standard of the Prophet to the Mosque where it is usually deposited, when a fire broke out in the City, which had been raging for two days, and was not extinguished when the Courier left Constantinople on the 31 Ulto. As this conflagation had been predicted it is generally attributed to design and not to accident. Additional news from that quarter is waited for with some impatience. Mr Canning had been here for some days on a visit as the English papers state to his friend Lord Granville, and as the French Gazettes intimate, on business of a more important nature. In the hasty views I have given you of some points on this Continent you will find ample employment for all his diplomatic skill and talents. England is interested in every thing and sees in the invasion of Persia and Turkey by Russia immediate danger to her East India possessions. Every exertion will be made to combine with her own, the influence of Austria and France, and exert it in dissuading or deterring Russia from hostilities.

Mr Gallatin<sup>206</sup> has availed himself of the absence of Mr Canning to make a short visit to Paris where he arrived on the 27th. Inst. I fear he will find himself unable to bear the expenses of living in London on his inadequate salary, and that he will be forced to change his residence at that Court. Mr Middleton<sup>207</sup> is at Moscow<sup>208</sup> attending the coronation of the Emperor— Mr Everett trying to do something in Spain but I believe succeeding no better than I have done in Paris.

M<sup>rs</sup>. Brown joins me in sending our professions of sincere regard to M<sup>rs</sup>. Monroe and M<sup>r</sup> & M<sup>rs</sup>. Hay whilst I am Dear Sir (Sep<sup>r</sup> 30, 1826 Mr Brown)

Your friend & Obedt Servant

James Brown

James Monroe Esq

206 This was Albert Gallatin (January 29, 1761-August 12, 1849).—Dictionary of American Biography, VII, 103-10.

<sup>&</sup>lt;sup>307</sup> See note 154. Could have been Henry Middleton (1771-June 14, 1846) who was governor of South Carolina, 1810-12; Representative in Congress, December 4, 1815, to March 3, 1819; minister to Russia, April 6, 1820, to August 3, 1830; and a noted leader in South Carolina. It could have been Arthur Middleton of South Carolina (October 20, 1795-June 9, 1853) who graduated at Harvard in 1814; was secretary of the legation in Spain for eight years; and married the Countess Beutivaglia in Rhome.—Appleton, op. cit., 317.

<sup>308</sup> Moscow was the capital of Russia for a long time and rulers were often crowned there.

#### To James Monroe<sup>209</sup>

My dear Sir,

Paris June 28, 1827

I have had the pleasure of receiving some weeks ago an exceedingly kind and interesting letter from you for which I pray you to accept my most sincere acknowledgements. The publications to which you allude were not sent on by Mr Pleasonton, but have been found by Mr Sheldon amongst his files of the Intelligencer and sent to our excellent friend the Marquis de Marbois.210 It gives me great pleasure to inform you that this extraordinary man still preserves his intellects in their full vigor at eighty two years and is unquestionably the most active intelligent and useful statesman in France. How strange it is, that amidst all the revolutions which have taken place within the last thirty seven years, he has preserved his life, his intellects, his fortune, and his reputation! It gives me great pleasure to add that he has preserved his esteem and affection for you, and I have often the gratification of hearing him express them in the warmest and most emphatic terms.

It gives me pain to find that many of those who have rendered the most essential services to their Country in its most critical moments are left by the scantiness of the compensations awarded them to struggle with embarrassments and difficulties at that period of life when they stand in the greatest need of tranquility and repose. I had hoped that the act of justice done to General Lafayette would have been the initiative to measures for relieving as old and as valuable public servants as he had ever been from the pressure of difficulties created by a devotion to the public interests at the expense of neglecting their own affairs. It gives me pleasure to hear that South Carolina and Louisiana have come to the relief of Mr Jefferson's distressed family.211 I hope other states will fol-

sos Monroe Papers, Library of Congress.

210 See note 133, above.

211 On February 8, 1826, Jefferson wrote his grandson that he did not care for himself if he was out of money, but his family especially his daughter worried him for she would have nothing to live on. He recounted how all was lost except his friends, services, honor, and health. In January, 1826, the legislature refused a grant to the University of Virginia which was a great shock to him also. He appealed to the legislature to be allowed to use a lottery to dispose of his property, but it was denied. After his death the property might have been disposed of by lottery, but the high tax attached to the tickets, the odium attached to it, and the waning of interest led to it being dropped. In January, 1827, most of the personal property was disposed of at a great sacrifice, and the next year the remainder was sold at as great a loss. In 1829 the land was sold at a still greater loss. One farm sold for six dollars an acre that brought forty dollars an acre in 1856. Another farm sold for ten dollars an acre that was bought back by the husband of one of his descendents in 1855 for forty dollars an acre that was bought back by the husband of one of his descendents in 1855 for forty dollars an acre which later brought from twenty to thirty dollars per acre. His grandson even made the minor bequests mentioned in the will, and freed the slaves as the will stated. He paid the forty thousand dollars to clear the name of his grandfather. South Carolina and Louisiana each gave his daughter \$10,000, and the stock which these states created for her actually sold for \$21,800. Other States started similar schemes, but they failed.—Randall, Life of Thomas Jefferson, III, 531, 562. Randall says South Carolina and Louisiana each gave ten thousand dollars, while Brown in this letter says that these sums were given by South Carolina and Virginia.

low the example and that they will be amply provided for. Few remain of our old revolutionary friends and a provision for the remnant of them now in existance would be a trifle to a rich community. We should gain much in National Character by proving by a few more instances that Republicans are not always ungrateful.

I was happy to learn from Mr Barnet that the affair committed to his management had been definitely settled. I hope the price of lands will yet improve and that you may realize your expectations of being able to retain enough to make you comfortable for the It gives me great pleasure to learn from residue of your life. some of my Correspondents that you as well as Mrs. Monroe enjoy good health. You have gone through years of great anxiety and care, but you enjoy a rich reward in the recollection of the services you have rendered to your country and the conviction that you enjoy the esteem of all the good and virtuous portion of the Community.

The Greeks have lately experienced some very dreadful reverses<sup>212</sup> and their situation at the last dates was becoming every day more and more alarming. A combined attempt was made by the sea and land forces under the command of General Church<sup>218</sup> and Lord Cochrane<sup>214</sup> to relieve Athens and Acropolis. The Greeks were repulsed with the loss of nearly two thousand lives. It was then believed that Athens must surely fall, and in order to obtain for the garrison favorable terms the Commander of the French and British squadrons intervened and obtained from the Turkish Commander very advantageous terms but on sending them to the besieged they rejected them declaring that they would never surrender their arms, or the place, but with their lives. It is now generally believed that the Allied sovereigns in conjunction with Great Britain have informed the Sultan that the war against Greece must terminate and that unless he abandons it they will interfere

<sup>212</sup> Beginning in 1825 the Greeks lost heavily, which was partly due to the civil war All of Morea became a desert. At Missolonghi several thousand Greeks tried to cut the Turkish lines and only fifteen hundred escaped death, but treachery was responsible for many of the deaths of the entire war as in this battle. On June 7, 1827, Athens and Acropolis fell after a long siege, but Europe now came to the aid of the Greeks. Canning took the lead and Russia followed. In July, 1827, England, France, and Russia agreed to force an armistice, and on October 20, 1827, the allied fleet, without orders from their respective governments, at Navarino made drift wood of the Turkish fleet.—Fyffe, History of Modern Europe, II, 273, 285, 295, 300, 306-10, 311, 322.

<sup>&</sup>lt;sup>213</sup> Sir Richard Church was born in Cork, Ireland, in 1784, and died in Athens, Greece, March 20, 1873. He was in Egypt fighting in 1801; became a captain in 1806; was made a lieutenant-colonel in the Greek regulars in 1812; and joined the revolutionists on March 7, 1827, where he became a great leader and commander. He took part in the revolution of 1843; was made a senator that year; and in 1854 he was made general of the Greek army.—Century Dictionary and Oyclopedia, IX, 252.

<sup>214</sup> See note 93, above.

by force to put a stop to the further effusion of blood. It is said that a fleet composed of Russian English French and perhaps Dutch and Swedish Vessels will soon appear in the Mediterranean and separate the combatants.<sup>215</sup> A Number of French ships of War lately sailed from Toulon to demand satisfaction from the Dey of Algiers for some alleged insult to the French Counsul and to blockade the port and capture Algirene Vessels in case that satisfaction should be refused. It is believed that the Dey is too well convinced of the means France possesses to chastize him to risk the consequences of refusing reparation.

I fear my mission will not be productive of any favorable adjustment of our claims. All sense of shame at refusing our just demands has long since passed away, and this Government does not feel very sensitive as to the injuries inflicted by the Imperial Government. She is making rapid strides in the formation of a respectable Navy, and if her progress in forming seamen, was as rapid as it has been in building ships of war, she would now hold a high station as a naval power. The time may however yet arrive when it may become her interest to seek our friendship and to offer us justice in exchange for it.

We have found Paris very agreeable during the winter. At no Court does the Diplomatic corps enjoy more privileges or meet with more distinguished notice. The society of Paris is on an easy footing and once admitted into society you are not made sensible of the graditions of rank as it is said you are in England— Much equality exists in social intercourse. The friends of the revolution remain in society amidst the repobation of its principles. We have in the course of the last year had our increased number of Americans and amongst them several Virginians. A Mr Robinson from Richmond who was formerly employed in superintending the public works of that State has passed two years in Europe very profitably as I believe in the study of civil engineering. He will soon return to the United States and may, if employed be capable of rendering important services to his Country. I feel anxious that he may succeed as I consider him a young man of distinguished merit.

Mrs. Brown unites with me in expressions of gratitude to you and Mrs. Monroe for the Kind invitation your letter contains that we should visit you on our return to the United States. I shall my dear Sir gratify the fond wishes of our hearts by calling on you

<sup>915</sup> See note 212, above.

soon after landing on the shores of my beloved Country. We both retain and shall always retain a deep sense of obligation to you and to your excellent Lady and daughter for all their kindness to us. We pray you to present us to them and to Mr Hay in the most friendly and affectionate terms.

I am dear Sir with every sentiment of friendship and regard

Your faithful & Obedt. Servant

James Brown

James Monroe Late President of the U States (June 28. 1827 Paris Mr Brown)

To Martin Van Buren<sup>216</sup>

Paris August 18th. 1829

Dear Sir.

My last dispatch will have informed you, that availing myself of the Kind permission of the President to leave this Court, I had taken leave of the King, and closed my account with the Government with the end of the month of June last. In the precarious state of the Ministry at that time, I perceived that nothing could be done beyond the ordinary current business of the Legation, and I wished to avoid the expence to the Government, which would be incurred by my remaining in place until Mr Rives<sup>217</sup> should arrive.

I have since that time received your letter of the 23 June, inclosing a copy of the Circular addressed to the Consuls, and authorizing me to contact the American Banker at Paris to pay their drafts on me for a sum not exceeding five hundred dollars. Had this advance to them become necessary before the arrival of my successor I should have directed it to be made, but as this will not be the case, no step will be necessary on my part.

<sup>216</sup> Martin Van Buren Papers, Library of Congress.

site Martin Van Buren Papers, Library of Congress.

217 William Cabell Rives of Virginia (May 4, 1793-April 25, 1868) was educated at Albert Sidney and at William and Mary and studied law under Jefferson. He served in the army in Virginia, 1814-15; was a member of the constitutional convention, 1816; in legislature, 1817-18; in Congress, 1822-29; appointed minister to France; and made the indemnity treaty of July 4, 1831. He returned to the United States in 1832 and was elected to the Senate, but resigned in 1834, because he would not vote for the censure of Jackson on account of the removal of the desposits, which the Virginia legislature favored. After the Virginia legislature was changed he was sent back to the Senate, where he remained until 1845. He voted for the resolution to expunge from the journal the vote of censure, which carried in 1837. He was again minister to France, 1849-53. He served in the first and second provisional Congresses of the Confederacy, but was opposed to secession at first. He was a noted writer and even wrote four volumes on the Life and Times of James Madison.—Appleton's Oyclopaedia of American Biography, V, 267.

You will perceive by the public journals that an entire change of Ministers took place on the 8 Inst,— Prince Polignac, 218 late Ambassador at London, is Minister of Foreign Affairs, Count de la Bourdonnaye<sup>219</sup> Minister of the Interior, Count de Chabrol Minister of Finances, Count de Baurmont<sup>220</sup> Minister of War, Mr de Marball Minister of Instruction. The Journals, violent as you will find them can give you but a faint idea on the explosion of publick discontent which these appointments have occasioned. The Minister of Foreign affairs is accused of being unfriendly to the Charter, 221 hostile to the Greeks, devoted to the Duke of Wellington<sup>222</sup> and the British Government, deficient in Talents, and destitute of influence and popularity. Mr de la Bourdonnaye was one of the most violent members in the Chambers of 1815 and has always been received as an ardent supporter of the most arbitrary principles. Mr. de Chabrol was Minister of Marine under the Vellile administration,223 and shares a portion of the odium attached

Vellile administration, 223 and shares a portion of the odium attached

215 Prince Jules de Polignac (1780-1849) was implicated in the conspiracy of Cadoudal and Pichegru in 1801 and was imprisoned until 1813. He held various offices in France and received the title of Prince from the Pope in 1820. He became minister to England in 1823; Minister of Foreign Affairs, August 5, 1829; and Fresident of the Council in 1823. His appointment indicated the intention to overthrow the constitution and culminated in the passage of four ordinances which are the constitution and culminated in the passage of four ordinances which are the passage of the council in prison ment by 1820. He was a reason of the council in passage of the council in passage of four ordinances which are the council in passage of the council in the council of the council in passage of the council in the council of the council of the council in passage of the council in the council of the council in passage of the council in the council of the counc

to its deplorable measures. Count de Baurmont holding an important command in the Army of Napoleon deserted to the enemy on the evening before the battle of Waterloo, and consequently is no favorite with either the army or people. It is hardly possible that this Ministry, succeeding to one so popular as the last, can sustain itself, more especially as all of them have been selected, and perhaps injudiciously selected, from the coté droit, which is in the Ministry in the Chamber of Deputies. Prince de Polignac has passed a great portion of his life, either as an Emigrée, or as an Ambassador in England, and the English Journals appear to be much gratified at his appointment. As the progress of the Russians towards Constantinople has been very rapid,224 they having passed the Balkan and advanced at the last accounts nearly to Bourgas<sup>225</sup> and Adrinopolis,226 it is believed that this change of ministry will be followed by a change in the exterior policy of France which will, it is supposed conform itself to views of the British Cabinet. is however as far as I am capable of judging, as well the true interest of France as the wish of the French people to preserve a neutral position.

The health of Mrs. Brown which has been very bad during the last eighteen months has lately given some serious cause of alarm. A residence of a few weeks at Versailles has however greatly improved it, and I now hope that we shall in a few weeks be able to embark for New York— I have wished much that Mr Rives may arrive before I leave Paris as it may perhaps be in my power to give him some information which may be of use to him, not on the main objects of his mission, which he no doubt understands better than myself, but on the details of being at this extensive place in relation to which I will give him the benefit of my long experience. Although I have not the pleasure of being acquainted with him, yet from the information I have derived from my friends I have every reason to be satisfied with the choice which the President has made of my successor. I ardently hope that circumstances may arise which may favor the efforts he will make to obtain that justice for our citizens which has been so long and so obstinately denied to them.

<sup>226</sup> Adrianople is about one hundred miles from Constantinople, but it is about half way across the peninsular.—Ibid.

<sup>&</sup>lt;sup>324</sup> The war between Greece and Turkey began in 1821, and it was a bloody massacre until 1827 when the English, French and Russians, October 20, 1827, at Navarino destroyed the Turkish fleet. The Turks blamed Russia and they soon became involved in a war which was an easy victory for Russia. Turkey had to free Greece and grant some autonomy to the other Balkan states.—Fyfie, op. cit., II, 273, 359.

<sup>&</sup>lt;sup>225</sup> Bourgas is a town in Rumelia, on the Black Sea, about one hundred miles northwest of Constantinople.—Century Dictionary and Cyclopedia, Atlas volume, 98.

You will see by the style and manner of this letter that it is intended only as a *private* proof of my recollection of our friendship during the time we served in the Senate, and an expression of the sincere esteem and affection with which, I am Dear Sir,

Your faithful & obedt Servant

James Brown.

P. S.  $M^{rs}$ . Brown who is by me requests me to tender to you her best respects

JB

Hon, Martin Van Buren

(James Brown)

The Honorable Martin Van Buren Secretary of State Washington D. C.

To James Madison<sup>227</sup>

November 30, 1829

Dear Sir,

In conformity with your request I drew from the House of the Barings of London One hundred pounds belonging to your University which I deposited with Mess<sup>18</sup>. Hollingaer & Co Bankers of the Government of the United States. The whole of this money was paid to Doct McGuil of Paris for articles purchased by him for the Institution except one hundred and twenty and some odd francs which I placed, on my leaving that City, to the credit of the University and at the disposition of Mr Rives.<sup>228</sup> My account with the Bankers will show the disposition I made of the fund and is subject to the inspection of my successor. My papers are not yet opened but in the course of a short time it will be in my power to send you an account in detail of the disposition of the fund, should you wish it.

It affords me much satisfaction to find you in good health, and at your advanced period of life applying your talents and experience to purposes useful to your Country. I wish very much to see you once more and may perhaps extend the journey which I propose to make to Washington, as far as to the Capitol of my native state:

<sup>227</sup> Madison Papers, Library of Congress.

<sup>228</sup> See note 217, above.

Mrs. Brown's health which has been very bad during the last eighteen months is I think improved since we landed at New York. We are both of us heartily tired of public life and now intend to withdraw from it entirely. It is our intention to remain some time in this City in order that she may have the benefit of Doct Physick's skill and experience in restoring her health.

I hope Mrs. Madison still enjoys her customary health and cheerfulness. Mrs. Brown begs me to tender to her affectionate Complts. to which be pleased to add the respectful regards of Dear Sir

Your faithful & obedient servant

James Brown

Hon. James Madison.

The Honble James Madison
Richmond Virginia

(Brown Js Nov<sup>r</sup>. 30 1829)

# THE GERMAN LIBERALS IN NEW ORLEANS (1840-1860)

# By ROBERT T. CLARK, JR.

German immigration to Louisiana may be said to have taken place in four fairly distinct waves. First of these is the colonization of the well-known German Coast (côte des Allemands) in the administration of Governor Bienville in the 1720's. The romantic story of this settlement has been told by J. Hanno Deiler, and is known to most people conversant with Louisiana history. It was a full century later (when these first German settlers in Louisiana had become so far Gallicized as to have forgotten the original German form of their names) that a second wave of German immigration started. This occurred just after the Napoleonic wars, and was almost as negligible in extent as the colonization of a century earlier. It was this post-Napoleonic wave that inaugurated the system of "redemption" a form of slavery, whereby many German immigrants, to pay for their passage from a nation torn to pieces by French invasions, bound themselves to service for a period of years after arriving in their new Paradise.2 Among the "redemptionists," or "redemptioners," it may be remarked in passing, was one of the greatest legal minds of Louisiana, Christian Roselius (1803-1873), known in the juristic history of the state as a great authority on the Civil Code.

The third wave of German immigration may be said to have begun in the early 1840's and to have continued until the outbreak of the Civil War. The fourth and largest wave began some years after the war and lasted until the outbreak of the World War. For purposes of pedantic accuracy one might also designate as a fifth wave of immigration the insignificant number of Germans arriving in New Orleans since 1920.

Historically the most important of these waves of German immigration to Louisiana is the third, that of the German liberals who left the Fatherland during approximately the last decade of the Metternich regime and the first decade of the reaction after 1848. This group was not a small, unimportant collection of Palatine

J. Hanno Deiler, The Settlement of the German Coast of Louisiana, and the Creoles of German Descent, Americana Germanica Press, Philadelphia, 1909.
 J. Hanno Deiler, The System of Redemption in the State of Louisiana, tr. L. Voss, New Orleans, 1929.

farmers dispossessed by the ravages of the Sun King, as the settlers of the German Coast had been. It was also no group of farmers and petits bourgeois ruined by the Napoleonic wars. It was primarily a group of fervid democratic idealists who were so discontented with their lot under the rule of Metternich and the princes allied with the Austrian sovereign that they were willing to lay down lucrative positions and professions to try their fortunes in an utterly strange land. Liberalism in Germany in the 1840's was nothing but German nationalism; the German immigrants to Louisiana in that period were German nationalists inspired with the humanitarian views of Herder, the nationalistic ideals of Fichte and the revolutionary doctrines of Young Germany. As a more highly educated group than those that had come to Louisiana earlier, they were prepared to compete in many fields with the native Americans and naturally aroused resentment among the extreme "Nativists." The political phenomena of "Nativism" have already been amply described,3 and I mention them merely as one of the forces which served to keep the German element in Louisiana—at first almost exclusively in New Orleans-in a compact group, until the forces of assimiliation had opportunity to break down all barriers.

Where the eighteenth century colonists had been a purely rural group, and those of the early nineteenth predominantly so, the German immigrants of the eighteen forties and fifties were mainly urban. Many were men of the highest education. Most had not held the remotest intention of settling in Louisiana, above all not in New Orleans. Undoubtedly they were all more or less attracted by the immigration literature that flourished in Germany in the mid-century, and planned to move westward rather than remain in a city plagued with yellow fever and other tropical diseases. When the gold rush began there was naturally an added impetus to the already strong urge toward the open country in the West. But inevitably, many city-bred Germans remained in the port city, or returned to it after miserable failure in agriculture, for which they were unfitted by training. In this respect they were not unlike many of their countrymen who immigrated during this period to other sections of the United States. Just what proportion of the Germans who came to America during the period of 1840-1860 were motivated by romantic illusions it will probably never be possible even to estimate. Certainly those who had beautiful dreams of an

<sup>&</sup>lt;sup>3</sup> Cf. W. Darrell Overdyke, "History of the American Party in Louisiana," in Louisiana Historical Quarterly, XV (1932), pp. 581-588, XVI (1933), pp. 84-91, 256-278, 409-426, 608-627.

idyllic life in the wilds of a sylvan Arcadia found their fancy sadly disappointed. Louisiana had not been without its advertisers in imaginative literature: Zschokke had called it an earthly paradise in his story, The Princess of Brunswick-Wolfenbüttel (1804), basing his eulogies of its almost unbelievable idyllic charms on the rather questionable report of the Chevalier le Bossu. Charles Sealsfield (or Karl Postl, to use his real name) had written novels of astonishing realism about the region, which he seems to have known thoroughly. But into Sealsfield's dominant realism it was easily possible for a discontented German democrat to read romantic dreams-romanticism was a German movement-and the clear account of Sealsfield was easily schematized into a representation of a cross between Arcadian bucolic simplicity and Roman civic virtue. The exotic landscape and the Noble Savage called strongly to a people whose hopes of national union in a humanitarian Utopia had been blasted by the Congress of Vienna, the dissolution of the "Burschenschaften," and the reactionary government of Metternich.

Whether one agrees with Srbik's favorable interpretation of Metternich or not, the fact remains that the German colonists who came to Louisiana in great numbers from 1840 to 1848 made of him a symbol of all that was detestable in government. And those who came after 1848 looked back on his regime with the horror of an old Communist at Nicholas II.

This hatred of the tyranny of the petty German sovereigns was expressed in the German-language newspapers of the New Orleans German colony. There was founded in 1839 a German-language paper, according to Deiler, but there are apparently no files extant. It was called *Der Deutsche* ("The German") and was very irregular in publication. The first prominent journal was the *Deutscher Courier*, founded by Alfred Schücking in January, 1842, and published by Joseph Cohn, a German-Jewish printer, who came to New Orleans in 1841 and died there in 1882. Schücking may have been a relative of Levin Schücking, German revolutionary, poet, and friend of the poetess Annette von Droste-Hülshoff. However that

<sup>&</sup>lt;sup>4</sup> Heinrich Srbik, Metternich, der Staatsmann und der Mensch, Munchen, F. Bruckmann, 2 vols., 1925.

<sup>&</sup>lt;sup>8</sup> J. Hanno Deiler, Die deutsche Presse von New Orleans nebst anderen Denkwürdigkeiten der New Orleanser Deutschen, specially reprinted from the Deutsche Zeitung, New Orleans, 1901, p. 3.

<sup>&</sup>lt;sup>6</sup> Deutscher Courier, January 8, 1842. The New Orleans Public Library possesses full files of the Courier from 1842 to 1847, as well as almost complete files of the other newspapers cited here. My thanks are due the library staff for their kindness in assisting me to consult these newspapers at leisure.

may be, the Courier started off with reprints of Levin Schücking's writings. Also it printed a series of articles on Young Germany, the movement to which the poets Heinrich Heine, Hoffmann von Fallersleben, Ferdinand Freiligrath, and Gottfried Kinkel, the publicist Ludwig Börne, and many well-known German men of letters adhered. Heine was often reprinted in the Courier and in the Deutsche Zeitung which displaced it in 1848.

An announcement in rather wierd English appeared in the first issue of the *German Courier*, that informed the non-German population of the editor's intention "to furnish our readers with a chaste, original and respectable paper, with a view also to American patrons who may wish to read a German journal, either for the purpose of familiarizing themselves with the German language, or to become acquainted with the state of German literature and science at home."

This promise was not exactly carried out. Practically nothing of German science appeared in the Journal, and only literature with a violent political bent found its way into the columns of the Courier. The editors plunged right away into local politics, fought first the Whigs and then the "Nativists," and tried to find a middle path between their natural German abolitionism and their Southern environment. Although the Courier fought for a violent revolution abroad in order to bring about the long-desired united humanitarian Germany, it found time to denounce the Eastern Abolitionists in America, whose ideals it undoubtedly shared. No German newspaper in South or North accepted advertising dealing with slavery. The leading German newspapers of New Orleans, the Courier and its successor, the Deutsche Zeitung (1848-1915), were always Democratic.

When Alfred Schücking retired after six months as editor of the Courier, Joseph Cohn carried on the paper for five years, finally selling out to Charles Medicus, in 1847. After a period of one year, however, Cohn founded a competing Democratic German-language paper, the Deutsche-Zeitung, which was published without serious interruption until 1915. He sold this paper also in 1853 to a stock company, and had nothing more to do with German journalism in New Orleans after that date. The Courier lasted only one year after the founding of the Deutsche Zeitung; other newspapers

Deutscher Courier, Jan. 8, 1842.
 Deiler, Geschichte der New Orleanser deutschen Presse nebst anderen Denkwürdigkeiten der New Orleanser Deutschen, New Orleans, 1901, pp. 5-10.

sprang up after that date, but only one was able to maintain itself, the Louisiana Staats-Zeitung, which was was founded in 1850 and perished as a result of its anti-slavery policy in 1864. We shall return to these journals later on.

Obviously then, the German liberals in New Orleans were adequately equipped to voice their political views in their own language. Several thousand miles from Germany, they could express the bitterest hatred toward the German princes, could sympathize with the Revolution of 1848 and with all projects to remove the blight of autocracy from their native land. Their chief paper came out only twice a week at first, then three times a week until 1850, when both the Deutsche Zeitung and its rival the Louisiana Staats-Zeitung, both Democratic, came out daily.

The German colony which had only two hundred voters in the election in 1842,9 was growing by leaps and bounds. In 1846 there were 8,470 passengers on boats from Bremen to New Orleans, 10 a large majority of them immigrants; and the Courier complained that too many immigrants were going by way of England in order to come to New Orleans, although the Bremen-New Orleans service was cheaper and just as dependable. In 1845 there had been 9,628 immigrants from Bremen to New Orleans on ships of all registries.11 Although New Orleans became only a transfer point for most immigrants to Texas and California in the West, and to the upper Mississippi Valley, the number of immigrants remaining in the city was almost too large to be accommodated. A reporter from a St. Louis paper held his nose at the mass of humanity mostly German, then passing through the city; and the Courier felt it necessary to call him down, pointing to the exigencies of an Atlantic voyage.12 To judge from a manuscript diary of a much later period (1870), the conditions must have been harrowing.

In all this turmoil of migrating humanity, the Germans who settled in New Orleans in the late forties and early fifties found it rather difficult to establish immediate contact with American culture. Most of them landed penniless; organized racketeers in Europe and America exercised their well-known schemes on the helpless immigrants. To cope with such difficulties the colony organized in 1847, the "Deutsche Gesellschaft," (German Society),

Deutscher Courier, Sept. 7, 1842.

<sup>10</sup> Ibid., March 6, 1847. 11 Ibid., March 11, 1846.

<sup>19</sup> Ibid., March 6, 1847.

which, first intended to assist immigrants, later became the chief cultural organ of the New Orleans Germans. It is now merged with other German societies into the "Deutsches Haus." Leading German-born citizens were elected as officers and the Society performed a valuable function in preserving intact the higher cultural values of the Fatherland.<sup>13</sup> But there were also other societies with a primarily social purpose, for example the "Deutsche Brüderschaft," or "German Brotherhood," intended to aid the sick. Besides these there sprang up in the early fifties all kinds of clubs intended to help the liberal movement in Germany. These reached their peak in membership and influence in 1851-52. To be sure the Germans in New Orleans and the rest of the country had had ample opportunity for physical participation in a campaign against "tyranny" in the Mexican War; four companies of Germans, many trained in the German semi-military organizations of New Orleans, fought for the United States in Texas.14 But at the same time they did not lose interest in the eventual establishment of a German Republic. Ships from Bremen were arriving in New Orleans every week, bearing immigrants filled with enthusiasm for the cause;15 and in a city of 119,000 the arrival of 150 to 200 people a week, for even a temporary stay, served to keep the fire of older liberals alive.

One of the results of this continued agitation was the foundation of the "Central-Verein des Südens zur Beförderung der Republik in Deutschland," ("Central Union for the Advancement of the Republic in Germany") which was very active in 1850-51. On April 30, 1850, they collected \$350.70 for the relief of German refugees; and they gave a benefit concert for Hungarian refugees—many of them German nationalist-liberals, and sent \$800 to be used by the leaders of German liberalism in any way they saw fit. Two of the most important of these leaders were Carl Schurz and Gottfried Kinkel. They had escaped from the fortress of Spandau near Berlin and, at the time the New Orleans money was sent them, were busy with organizing German refugees in London. Kinkel wrote a note of deep gratitude to the New Orleans group. His movements

<sup>13</sup> J. Hanno Deiler, Geschichte der Deutschen Gesellschaft von New Orleans, 1897, for its history.

<sup>14</sup> Deiler; Geschichte der deutschen Presse, etc., p. 8.

<sup>15</sup> Louisiana Staats-Zeilung, Oct. 25, 1850, gives a typical report of the arrival of immigrant ships. The Ocean Queen arrived on that date with 308, the Louisiana with 220 passengers from Bremen.

<sup>16</sup> Deutsche Zeitung, April 30, 1850.

<sup>17</sup> Ibid, June 6, 1850.

<sup>18</sup> Ibid., September 16, 1851.

like those of Lincoln's later friend and cabinet member were carefully reported in both Germans newspapers.

Shortly after this donation, which was only a small one among the many that came from other sections of America, Gottfried Kinkel decided upon his trip to the United States for the purpose of raising his \$3,000,000 "loan". This was to be used for the purpose of supporting revolution in the German states. The "Central Verein" immediately began a campaign in support of the loan, and both leading German newspapers opened their columns to his plea. One suburban newspaper, the *Unabhängige deutsche und Lafayette Zeitung* (of which no files are preserved) was sharply criticised by both for describing the loan as a fantastic, impractical idea. Kinkel sailed from London in the early fall of 1851, and it was understood that New Orleans would be on his itinerary.

Gottfried Kinkel (1815-1882), one of the most interesting figures in the German '48 revolution, had been professor of art history and cultural history at the University of Bonn. His greatest work was his History of the Graphic Arts Among the Christian Peoples (1845). His poems (1843; revised and augmented edition, 1851) were in the style now described in Germany as "Biedermeier," that nostalgic, post-romantic style dominated by inner division and uncertainty of feeling. Like so many intellectuals of this type, he found a kind of activation in the revolutionary strivings toward a united Germany, joined the Democratic party, and was elected in 1849 as a delegate to the Second Chamber of Prussia. In the same year he took part in the revolt of the Palatinate and the Grand Duchy of Baden, was wounded, captured, and imprisoned. In November, 1850, assisted by Carl Schurz, he escaped to England, and in 1851 we meet him in America giving lectures on art-history but above all on his fantastic project for a loan to be used to bring about one great German republic.

Although his arrival in New Orleans was scheduled for some time in November, 1851, it was January 10, 1852, before he arrived in the city. He was welcomed by Dr. Maas, the representative of the "Turner", one of the most active organizations for German liberty at home and abroad, and was taken to the St. Louis Hotel.<sup>19</sup>

The most favorable effect of his visit was that, apparently for the first time, the various nationalities that then made up New Orleans, managed to get together and bury factional enmities for

<sup>19</sup> Ibid., January 11, 1852.

the time being. Representatives of all the various groups, American, German, French, Spanish and Italian, coöperated in showing honor to the "martyr of German liberty." A mass-meeting was decided upon, and until it should take place, Kinkel gave lectures in the two German sections of the city, one of which (Carrollton) was at that time outside the city proper. The Deutsche Zeitung of January 14, 1852, gives a long report of his lecture in Carrollton, which expressed the conviction that only the bloodiest of civil wars could succeed in bringing the princes to terms; for such a civil war he asked their support, and reproved the citizens of Carrollton for honoring him with a torch light procession; the money could be so much more effectively placed.

When the evening of the mass-meeting (Jan. 14) came, a large multitude gathered at Banks' Arcade, and Christian Roselius was almost unanimously elected chairman.

Christian Roselius, without question the most outstanding German citizen of Louisiana at the time, had risen from "redemptioner" to high esteem in the courts of the State. Although a Whig in politics—he belonged to the older generation and was not excessively sympathetic with the hot-headed young revolutionists—he enjoyed the respect of all sections of the populace. Endowed with a passionate love of the French Civil Code, he devoted his life to it and later, in Reconstruction times, missed being Chief Justice of the Supreme Court only because he refused to serve if the court were subject to any military authority whatever.<sup>20</sup>

With Roselius as chairman, the meeting proceeded. According to the German press, for whose enthusiasm some discount must be made, it was the greatest mass-meeting ever held in New Orleans. Gottfried Kinkel was introduced and began his speech in English, continued in French, and ended in his native German,<sup>21</sup> interrupted only by tremendous applause. After a few remarks by Roselius, the meeting adjourned, and Kinkel—in spite of his reproof of the evening before—was escorted to his hotel with another and more magnificent torchlight procession and with a guard of honor composed of all the German military companies of New Orleans. After a few more speeches and official honors from the city and all national groups, Kinkel departed on January 16, 1852, and his farewell was printed in the Deutsche Zeitung.

21 Deutsche Zeitung, January 18, 1852.

<sup>&</sup>lt;sup>20</sup> H. Rightor, Standard History of New Orleans, Louisiana, Lewis Publishing Co., Chicago, 1900, pp. 400-401.

In this he wrote: "The beautiful South of America had once again proven that warm heart that constitutes its highest honor. All classes of the population, the wealthy as well as the laborers, all the patriotic societies, finally the organs of the press in all languages, vie with each other in activity for the salvation of Europe, whose decisive point is a free Germany . . . . Germany shall learn how warm, even to the endlessly distant Mississippi is the sympathy for the sufferings of her coming struggle for freedom; and from this consciousness will arise in her a happy, youthful courage for that struggle."22

Two local citizens published poems of appreciation of the poet and patriot, and the city settled down to the problem of making real the promises made to him. A poem, Nachruf an Gottfried Kinkel, in the Deutsche Zeitung, and the reprinting of several of Kinkel's poems in the Louisiana Staats-Zeitung, were the last journalistic manifestations of his visit.

The subsequent course of Kinkel's undertaking is well-known. It soon became obvious to all that only a fraction of the three million dollars could be raised, although the "Central Verein" and its branches—it had one, for example in Natchez, Mississippi—made valiant efforts. Kinkel returned to Europe to accept a call to the University of Zürich, and died there in 1882, having seen the unification of Germany but not its democratization. His comrade, Carl Schurz, became an American and rose to high distinction under Lincoln, became Ambassador of the United States to Spain, besides holding other high political offices. The \$3,000,000 loan was given up only some months after Kinkel's visit to New Orleans, and the "Central-Verein" passes out of the columns of the New Orleans German press, making place for the embittered American politics of the fifties and for the yellow fever epidemic that wreaked havoc among all parts of the populace.

The campaign for the liberation of Germany was not only carried on in the political sphere and from the lecture platform, however. The realm of the arts was the natural element of many German liberals, especially of those who belonged to the upper classes. Among these was a very gifted young nobleman, Ludwig von Reizenstein (1829-1888), son of Baron Alexander von Reizenstein, Royal Chamberlain of Ludwig I of Bavaria.<sup>23</sup> The young Reizenstein studied at Freising and at Munich. It was in the latter city

23 Ibid., January 16, 1852.

<sup>28</sup> I am indebted to Deiler's Geschichte der deutschen Presse, etc., for data on Reisenstein.

that he made the break with his Ultramontane family traditions, espoused the cause of Lola Montez, the mistress of Ludwig I, and made common cause with the corps of "Alemannen", her student body-guard. Lola's influence with the king was regarded as being liberal and progressive by this group.24 When the "uncrowned Queen of Bavaria" was forced to leave Germany, Reizenstein also left and was disowned by his conservative father, the Chamberlain. The young man came to New Orleans in 1849; here he became a draftsman and civil engineer. He seems to have had plenty of money, and aided liberally the '48 refugees. After two abortive ventures into journalism (Der Alligator in 1851 and Der Pekin Demokrat in 1852) he announced the publication in 1854 of his novel, Die Geheimnisse von New Orleans (The Secrets of New Orleans). The exterior impetus to the writing of this scandalous chronicle was given by the visit of Prince Paul of Württemberg to the city.25 The sight of democratic society kowtowing to a prince, who in Reizenstein's eyes represented the most horrible tyranny, was too much. He began serial publication in the Louisiana Staats-Zeitung at that time more radical than the older Deutsche Zeitung, of his chronique scandaleuse, whose most racy incidents were unfortunately founded on facts.

For months the novel ran in the Staats-Zeitung and was also published in book form. It naturally raised a tumult of criticism not to say exasperation. Figures well-known to the German element in Louisiana, including the later Governor Hahn, were presented in it; all people who had in any way had to do with the reception of Prince Paul appeared in rather ugly scenes with a realistic background of the night-life of the 1850's. In the monumental work (it ran to five volumes) Reizenstein also took pains to condemn many unfavorable aspects of life in New Orleans; for instance, the unethical conduct of many physicians during the yellow fever epidemic, the cruelty of many landlords, etc. It soon became clear to the author that he had gone too far, and he bought up the edition of his work. Only a few copies ever got to the public in book form. With his last venture into literature a failure, Reizenstein turned to science, and in his later years published many articles on the flora and fauna of Louisiana.

It was pure coincidence that the woman who was primarily responsible for Reizenstein's leaving home and title, Lola Montez,

<sup>&</sup>lt;sup>24</sup> Edmund d'Auvergne, Lola Montez, an Adventuress of the Forties, T. Werner Laurie, London, 1909, p. 149 et passim.

<sup>25</sup> Deiler, Geschichte der deutschen Presse, etc., p. 15.

also came to New Orleans in 1852.26 No longer Countess of Landsfield, to which Ludwig I had raised her in his infatuation, Lola had fled first to Switzerland, then to America, where she had several theatrical engagements and made a lecture tour, and came in the year stated to New Orleans for a short engagement at the Placides Theater. The German colony took little notice of her. She had always been to the liberals a symbol of the corruption of the princes and only a few Munich students (of whom Reizenstein was one) had ever defended her. They had chiefly used her to break the clerical despotism in Bavaria, but most German Democrats regarded her lurid career with the eyes of American Puritans. In New Orleans she perpetuated another one of the tricks for which she was famous. During an altercation with the manager of the theater she kicked him and called him a scoundrel and a villain. The unchivalrous manager brought a damage suit, the trial of which was somewhat prejudicial to the dignity of the court. According to the Louisiana Staats-Zeitung, which defended her (while the Deutsche Zeitung remained coldly aloof,) she came into the court, "skipping with light step, like a gazelle,"27 and when the manager of the theater related the names she had called him, she exclaimed, "Oh, my dear fellow, that's just what you are!" and she expressed to the judge her regret that she had not charged \$2.00 admission to the trial. She outtalked the prosecution's lawyers and made the judge burst out laughing. Even after leaving New Orleans she caused scandal. She insisted on having her pet dog at the table for meals on the ship and tried to conquer the captain's resistance with the whip which had first made her famous at the court of Friedrich Wilhelm of Prussia. The captain ended the matter by dropping the dog in the lower Mississippi.28

Although Lola Montez was an actress, after a fashion, her appearance in New Orleans was utterly unrelated to the local German stage. In order to gain a complete picture of the activities of the German liberals in New Orleans it is necessary to throw some light on the history of their drama.

The very first volume of the Deutscher Courier brings news of a German troupe headed by Luise Thielemann. This troupe performed in the restaurant of a Mr. Fulda, who advertised the excellence of the actors, and of his food and drink, in the columns of the Courier of 1842. For some months the troupe played farces, one-

<sup>&</sup>lt;sup>26</sup> d'Auvergne, op cit., pp. 197-199. <sup>27</sup> Quoted by Deiler, op. cit., p. 14.

act plays of Kotzebue, Körner, and others, and seems to have been very successful. As the editor of the Courier writes, "Mme. Thielemann and Mr. (Rudolf) Riese manage to do more than would be expected under the conditions obtaining. If not magnificent, it is at least gemütlich." 29 Then Mme. Thielemann announced for her benefit a performance of Schiller's revolutionary drama, Die Räuber (The Robbers). This more elaborate performance was also well received, its success being aided by the appearance of a Miss Johnston, who gave "classical imitations" and delighted the public at the close of Schiller's tragedy with a demonstration of the "cachucha" dance. 30 The success of the drama was so great that it was repeated, this time without the imitations and the chachucha dance, but also, and unfortunately, without the assistance of Rudolf Riese, who seems to have been a very capable actor. He went to Harrisburg, Pennsylvania, from New Orleans.

In January 1843, the troupe was enlarged by the "internationally famous" actors, Adolf Icks and his wife Augusta Icks. Thielemann remained as directress, the title of the theater was changed to "German National Theater," and the troupe moved to the restaurant of a Mr. Otto. It opened the new season with The Slave's Revenge, by Baron von Zedlitz, a pot-boiler which seems, with others of its kind, to have made enough money for another venture into higher fields. On January 25, Schiller's "Storm and Stress" play, Cabale und Liebe (Love and Intrigue), was presented for the first time in New Orleans, and on March 4 of the same year Die Räuber was again played. This time, "in order to give a more dignified performance" of Schiller's drama, Mme. Thielemann took the roles of Roller and Kosinsky (!) 31 In the same month there was another change of personnel, two more actors, Raasch and Ritter, were added, and the season continued with the theater's name changed to "German Washington Theater." Mme. Thielemann remained as director, but the theater failed in about one month and a half. Other traveling companies passed through and played the German farces so much liked by their public. In the meanwhile, the German enthusiasm for Schiller's Die Räuber seems to have been shared by the Anglo-Saxon public; in March 1847, the drama was performed in English, as The Robbers, at the St. Charles Theater. 32 But the German colony seems to have been without regular dramatic fare in its own language between 1843 and 1849.

Deutscher Courier, July 9, 1842.
 Ibid., July 13, 1842.
 Ibid., March 4, 1843.
 Ibid., March 13, 1847.

In the latter year there was founded in the suburb of "Lafayette" (not the present town of Lafayette, of course,) a theatrical enterprise for the German population. The promoters were two Americans, Brown and Olivier, who conducted it as a business venture. This company played the farces of Kotzebue, Körner, and Holbein, and the musical farces of Raimund. After all performances there was a dance. This held true also for the earlier theater of Mme. Thielemann.

In 1850 Mme. Thielemann came back, this time with her husband, who immediately undertook the direction of a theater in Poydras Street, sharing the stage with an English-speaking company three times a week. The Thielemann family—there seem to have been several active members—was greeted heartily by the editor of the Deutsche Zeitung. This company produced a German translation of Hugo's Lucrèce Borgia, Müllner's Der neunundzwanzigste Februar (The Twenty-Ninth of February, one of the characteristic German "fate-tragedies,") a whole series of farces and musical oneact comedies, as well as a repetition of the eternally popular Räuber of Schiller (June 20, 1850). It also performed Schiller's Wilhelm Tell for the first time in New Orleans,33 as well as Grillparzer's fate-tragedy, Die Ahnfrau.34 When a new actor, a Herr Adlersberg, from the Viennese Hofburg Theater, joined the company, there was a series of performances of the Austrian "Singspiele" of Raimund and Nestroy. But the chief dramatic fare of the New Orleans German colony in the 1850's aside from the ever-popular comedies and musical farces, was the revolutionary or liberal drama. Among these, Die Räuber and Wilhelm Tell of Schiller held the highest place, with plays by more modern—but today forgotten—dramatists taking second place. Mme. Thielemann selected Marianne, ein Weib aus dem Volke (Marianne, a Woman of the People) for her benefit: and Robert Blum's Tod (Robert Blum's Death) also glorified the struggle against the German nobles.

In 1855 the theater, after a period of quiescence, was revived under the direction of J. Rittig, with F. Dietrich as guarantor, and a new group of actors. This company attacked nothing less than Goethe's Faust. "Attacked" is probably the correct term to use, because, to judge from the program, the Faust produced was somewhat remote from Goethe and seems to have been one of the popular versions of the Faust common on small stages in Germany

<sup>33</sup> Deutsche Zeitung March 21, 1851.

<sup>34</sup> Ibid., May 26, 1850.

<sup>25</sup> Louisiana Staats-Zeitung, January 3, 1855.

and on the German stage in America. It was called Dr. Faust's Leben, Thaten, und Höllenfahrt, Tragödie in 5 Abtheilungen und einem Vorspiele von W. Göthe ("Dr. Faust's Life, Actions, and Journey to Hell, Tragedy in 5 Divisions and a Prelude, by W. Göthe.") The title sounds like Maximilian Klinger's fragment of the same name, written in the Eighteenth Century. But most probably the play did have some scenes from Goethe's drama, with a judicious admixture of Bengal lights and horrible, un-Goethean effects. As time went on the revolutionary theme was growing less important in the dramatic life of the colony. Two plays of Schiller's later and non-revolutionary period were performed; these were Die Jungfrau von Orleans (The Maid of Orleans) and Maria Stuart, which were performed in 1855, on January 6th and 16th, respectively. But the bill of fare on January 25th for the same year consisted of Charlotte Birch-Pfeiffer's drama, Peter Szapar, which glorified the would-be deliverer of Hungary and his heroic failure.

In 1855 the theater closed its doors, and until after the Civil War there were only amateur performances in German in New Orleans. In 1856 the Amateur Theater performed scenes from Goethe's Faust, this time without changes to suit a road company<sup>36</sup> The repertory of the Amateur Theater was broad enough to include the favorites, Die Räuber and Wilhelm Tell, and other plays of Germany's classical period, as well as more recent works, good and bad. To be sure no theater could exist which gave only high and serious drama, and the largest part of any German-American theatrical repertory was necessarily composed of "pot-boilers," the farces of Kotzebue and Körner. But when any company decided to bring a really great work to performance, their liberal politics determined the choice with rare exceptions. Later dramatists of such high calibre as Kleist appeared only seldom, and only one play of Grillparzer—his worst—was performed from 1840 to 1860.

The Civil War brought such far reaching changes in the life of the entire city that the German population was naturally deeply affected; the story of the Germans in that war is a separate chapter, which cannot be told here. But it is possible to state that the forms of life that were established during the forties and fifties were sufficiently strong to impress even the new immigrants of the post-war times. Many of the institutions established by the liberal leaders of earlier periods successfully lasted through the war

<sup>36</sup> Ibid., July 2, 1856.

and gave a continuity that was lacking in other Southern cities. Among these were the German schools, which managed to function in spite of the war, the churches, and many societies, of which the German Society is an example. As the American situation became more complicated, the interest of the German liberals in the affairs of Germany grew less intense; and the total cessation of immigration during the war years caused a standstill. When the first years of Reconstruction had passed, a new German Reich had been founded and the older slogans and principles were no longer applicable to it. The immigrants of 1870 and after were not necessarily enemies of the system in the old country. Yet, in spite of this, the work of the liberals of an earlier generation still bore fruit and determined to a great extent the manners and ways of life.

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### LIBRARIES IN NEW ORLEANS, 1771-1833

#### By ROGER PHILIP MCCUTCHEON

The earliest plan for a public or semi-public library in New Orleans seems to have been that of the Spanish government in 1771. The official plan for a school in New Orleans included a library, "to be open to the clergy and honest persons who may wish to go at convenient hours to study there without interfering with the hours devoted to public education." Books were collected in Spain, carefully packed, and duly sent to New Orleans. The inventory of this shipment has been discovered and reprinted, and shows that the collection consisted largely of established Latin classics.

But although these books were duly shipped, there seems to be no record of their being established as a library in New Orleans. In a law case of 1780 the statement is made<sup>2</sup> that papers important in the case had been placed for safe-keeping between the pages in a box of books in Government House, and that the box had subsequently disappeared. One may conjecture that the books reached the city safely, but were never officially installed as a library, and gradually disappeared.

Within two years after the Louisiana Purchase, while Claiborne was governor of the Orleans Territory and Julien Poydras was president of the legislature, the Territorial Legislature passed two acts significant in cultural history. The first act set up a system of parish academies, to be completed by a university in New Orleans. The second act incorporated the New Orleans Library Society. By a provision of the university act, libraries consisting of approved works in French and English were authorized for every parish. In New Orleans, however, the university funds were to assist the library created by the second act.

These two acts were signed by Claiborne on the same day, April 19, 1805. By the provisions of the library act trustees, to be elected annually, were to be the responsible governing body, charged with the duty of selecting the librarian. The Library Society was a subscription or stock company, the capital consisting of an un-

<sup>&</sup>lt;sup>1</sup> Mississippi Valley Historical Review, XI, 566-8.

<sup>&</sup>lt;sup>2</sup> Louisiana Historical Quarterly, XIII, 529.

limited number of shares of \$25 each. A person wishing to become a member could purchase one or more shares of stock, or could offer books, maps, or charts instead of cash, provided these offerings were, in the opinion of the trustees, of equal value to the cash required for the stock. A shareholder received preferential treatment in the use of books, and could vote in the annual election of trustees. Members could borrow books on the security of their shares. Nonmembers, however, had first to deposit \$5, and then an extra sum amounting to 150% of the appraised value of the books desired.3

Although the act incorporating the Library Society was passed in April, 1805, the institution did not get under way until November, 1806. The first trustees include some names well known to students of those times. There were Judge Dominic Hall, Judge James Workman, Lewis Kerr, John Watkins, George Pollock, Peter Derbigny, and E. Fromentin. The first librarian was Peter Ambrose Cuvillier, who, a few years later, was in the gunpowder business, and still later practised law.

One of these trustees, at least, was something of a man of letters, with a reputation already made before he came to New Orleans. This was James Workman. He had been for some years a resident in London, and there had become the leading political reviewer for the important Monthly Review. He was an author as well as a critic and reviewer. Later, he was connected with many enterprises in New Orleans, including another library society in 1824. As judge, he had controversies with Governor Claiborne and with General Wilkinson about the Burr conspiracy, and for a little while was in jail by Wilkinson's orders. He was certainly the proposer and probably the author of the university act and the library society act.4 Something of the quality of his temperament and expression may be seen by the vigor with which he denounced an anonymous scribbler: "The pride of a man of letters will not suffer me to enter the lists of controversy with such a writer as the New Orleans St. Polycarpe; God knows my pen has sunk low enough when it descended to Governor Claiborne,—But if you are a gentleman, and not as great a coward as you are a blockhead and calumniator, leave your real name with the printer."5

The first home of the library was at the house of the Legislature on Royal Street, but after a few weeks a committee leased

<sup>3</sup> The Louisiana Statutes, 1804-5, contain the University Act and the Library Society Act.
The regulations of the Library Society were printed in full, apparently, in the Louisiana Gazette for November 11, 1806.

4 The Louisiana Gazette, April 10, 1807.

5 Ibid., April 7, 1807.

Number 43 Bourbon Street, behind the Louisiana Bank, at \$38 per month for a two-year lease. This was in December, 1806. The library was at first open daily from 10 to 2; but beginning in January, 1807, the hours were from 3 to 8 p. m.

One of the amusing regulations concerned the length of time books might be kept out. The time was in strict ratio to the size of the volumes. Anything smaller than duodecimos could be kept for a week only. "Octavos and quartos shall not be lent for more than double the time of duodecimos, nor folios for more than three times that length," read the rule.

It is clear that the Library Society had its troubles, familiar ones today, for that matter, to those responsible for books. The subscribers and other borrowers as well were careless about returning books on time. The subscribers did not pay their annual dues promptly, nor did they turn out well to the annual meetings, as the notices in the newspapers indicate clearly.

In March, 1808, the library was moved to Number 32 St. Peter Street, a number which at that time indicated a house between Bourbon and Dauphine Streets. Early in 1808 the trustees had tendered the use of the library to the legislature, and were duly thanked by that body. On July 1, 1810, a fire broke out in St. Peter Street near the library, and consumed between forty and fifty dwelling houses, the worst fire since 1794, as the papers described it. On the day following the fire a notice appeared in the *Courier*, interesting enough to quote in part:

By the unfortunate conflagration which burst out in the night of Saturday and Sunday, the public library . . . was preserved only by the zeal of citizens who have displayed the utmost eagerness in transporting the books to a place secure from the fire. But . . . many of these books have been mislaid . . . The public are requested not to purchase any books from negroes or other suspicious persons.

It appears from another notice that not all of the missing books were library property, for the Librarian, Cuvillier, complained of having many of his personal books "saved" in the same fire.

In August, 1810, the library was moved to Government House, and J. Vassant was the new librarian. In September, 1810, the Gazette printed a survey of the progress of the Orleans Territory.

Among the successful projects instituted in the Territory since 1803 the paper listed a bank, an insurance company, and the library. But in 1812 the annual meeting of the Library Society, scheduled to occur early in January, was twice postponed because of the failure of the persons interested to appear, and certainly did not occur before March 2, if even then.

In 1810 the trustees of the Library Society were Judge Hall, Judge Moreau Lislet, John Robertson, Joshua Lewis, Philip Grimes, James Pitot, and Derbigny, still a board dominated by American names. By 1813 the board had a very different national basis, for the president was Jean B. Prevost, the Librarian was Leonardy, and the other trustees were M. Bourgeois, Moreau Lislet, Fromentin, Mazureau, and Derbigny. In 1816 J. L. Lapauze was librarian.

On September 21, 1816, the City Council granted quarters in the City Hall to the "society organized to promote a library." Even before this action, it was evident that the affairs of the library were in bad shape. In an act approved March 14, 1816, the legislature had authorized the commissioners of the library to sell forfeited shares for the amounts due. This same act authorized a lottery every year for ten years, the capital stock of which was not to exceed \$2000. In 1819, the report of the City Treasurer showed an expense of \$149.46, for purchase of shares in the New Orleans Library Society. These methods of financing evidently were none too successful, for the legislature, by section 18 of the general revenue act of 1826, authorized the directors of the Library Society to make a single lottery for the whole amount of the capital they had been permitted to raise by five lotteries. The failure of these several plans of financing is definitely announced in the following notice, from the Courier of January 11, 1830:

New Orleans Library.

The public are hereby informed that the sale of that library is to be shortly effected, with a view to satisfy the demands of its creditors. I therefore invite all persons having in their possession books belonging to the institution to deliver them within the shortest delay at the Library Room, corner of Chartres and St. Louis Streets.

The notice was signed by Edouard Louvet, treasurer, librarian, and secretary. Louvet had had some newspaper connection in New York before coming to New Orleans. In 1827 he had tried to establish a literary journal in New Orleans, to be called the *Propagator*, and the newspapers had carried his prospectus of this journal for

several weeks. He wrote a hymn of triumph for the Jackson Day celebration in 1827, and in 1829 was in politics, running for the legislature. He withdrew from the campaign in January, 1830, signing the notice in the newspapers as "Conservateur" of the New Orleans Library.

After a considerable search, the records of the case against the Library Society were located in the parish courthouse. On December 12, 1829, a suit had been filed against the New Orleans Library Society for arrears in rent amounting to \$435. The Society, it was charged, had paid no rent since October, 1828. The suit was brought by Joseph Le Carpentier, and judgment against the Society was rendered on January 2, 1830. The property was promptly seized by the sheriff, who reported taking possession of 1,497 volumes of French works, 1,901 volumes in English, one pair of large globes, and four book cases. These were sold on the 6th of February and following days, to satisfy the creditor.

Now in 1822, according to the New Orleans city directory, there were about six thousand volumes in the library. By 1824, by the same authority, there were about 7,200 volumes in French and English. But the sheriff in 1830 could locate only about 2,400 volumes. Possibly the directories had overestimated the number of books in the library; possibly the subscribers had more than half of the volumes out when the sheriff made his seizure; possibly the library had been systematically pillaged before the seizure. Any or all of these explanations are possible, of course.

Before taking leave of the New Orleans Library Society, it is in order to make what comparisons we can with other library projects in territory more or less of the pioneer type. There was a subscription library in Lexington, Kentucky, in 1795-6; in 1803 it had 800 volumes; in 1837 it had 6000. In Cincinnati there were abortive attempts to form a library in 1802, 1806, 1808, and 1811, and a circulating library was finally opened there in 1814 with 300 volumes. St. Louis had a library by 1824, dependent on shareholders. This library in 1825 had less than 3000 volumes, but by 1837 had grown to 4000. Transylvania College in 1830 had some 2000 volumes. In 1840 Jefferson College, at Washington, Mississippi, listed 1,522 volumes by title in its catalogue. In number of volumes, at any rate, the New Orleans Library Society deserves worthy mention.

<sup>8</sup> R. L. Rusk, Literature of the Middle Western Frontier, I, 67 ff.

James Workman, who had been absent from New Orleans for some time, had returned in 1817. In 1822 he was again on the board of the New Orleans Library Society, this time as President. But in 1824 his name is prominent among the incorporators of the "Touro Free Library Society of New Orleans," which was incorporated April 10, 1824. Of the ten men named in the act, two, Workman and Robertson, had been original trustees of the New Orleans Library Society. The other names, all English and American, included Beverly Chew, business man and capitalist, Theodore Clapp, then still pastor of the First Presbyterian Church, and J. A. Maybin, who in 1833 was on the first board of the New Orleans Lyceum.

The incorporators of the Touro Free Library Society stated in the articles of incorporation that they have lately instituted "a free library society for the purpose of extending knowledge and promoting virtue among the inhabitants;" that the library then contained "upwards of a thousand volumes, and is daily increasing." Judah Touro, they state, "is generously disposed to erect and appropriate a suitable building for that institution," and they have recognized his generosity in their name, in order that "such liberal and beneficent establishment may be promoted."

Judah Touro's "generous disposition" has made his name gratefully remembered in New Orleans, to be sure, but apparently he did not erect the suitable building for the new library. The New Orleans Directory for 1824 states that "The Touro Free Library is kept in the Presbyterian church, from which any person may have the use of books, gratis." The directories for 1830 and 1832 make similar statements about the Touro Free Library. But in the 1838 directory there is no statement about the Touro Free Library, from which absence it may be concluded that the library had ceased to function before 1838. References to the New Orleans Library Society ceased by the 1830 directory, the year it was sold to satisfy the arrears in rent. How many volumes the Touro Free Library had, what circulation these enjoyed, exactly when it ceased, are matters yet to be settled. Was it a "spite" enterprise, founded to satisfy some grudge against the older Library Society? Was it, on the other hand, started because the older society had failed to fulfill its proper function? One may hope for a trace of the record books of both these societies, in order that the important question of the influence of these collections of books on the community in its formative years may be more carefully studied.

<sup>&</sup>lt;sup>7</sup> Is it pure coincidence that in this same year, 1824, a library society was incorporated at Alexandria, Louisiana? Of the 36 incorporators, there are only one or two non-English names.

About a year after the sale of the Library Society, and while the Touro Free Library was still functioning, there was started the New Orleans Commercial Library Society, on March 29, 1831, "by a company of young men." In 1838 this institution had 4,622 books, of which 803 were in French. The disbursements for 1837 were \$3,507.46, the receipts \$3,823.85. "Strangers are admitted on the introduction of a member, one month gratis."8 According to the 1842 directory, the Commercial Library Society had about 6,000 volumes, 900 of which were in French. Just when this library venture ceased is somewhat problematical. In the first volume of Debow's Review (1846) there is an article which briefly surveys the libraries then accessible to the New Orleans public. No mention is made of the Commercial Library Society in this article; indeed, the statement is made that "four years ago" —i. e., 1842—"no public library existed in this city." The Commercial Library Society had, at any rate, several years of usefulness. It was incorporated by an act approved on March 6, 1833, and in the same year it received \$1000 from the State, by appropriation. In 1838 the Louisiana Legislature appropriated \$1000 a year for five years for this Commercial Library Society, to be used for the purchase of books.

The Law Library Society was incorporated in 1828, James Workman being one of the commissioners of this library. In 1833 the legislature by resolution authorized a library for the two branches of the legislature. A room was to be provided in one of the public buildings for the books owned at that time, and a sum of \$1500 was appropriated for works relating to politics, history or general science, and useful works of reference. The act establishing a State Library was approved March 12, 1838.

The evidence assembled in this paper shows clearly enough that from 1806 on some sort of library, public or semi-public, was functioning in New Orleans. That the initiation of these several attempts was, in each case, due to American rather than French enterprise, is a conclusion perhaps unwarranted, although the evidence from the names of the founders seems to point that way. What caused the several failures is more difficult to conjecture. The reasons for the failure of the university act and for the fiasco of the College of Orleans are no doubt involved in any answer that may be made.<sup>9</sup>

\*Gibson's Guide and Directory of New Orleans, 1838.

The present paper gives no indication of the number of subscription and rental libraries that flourished in New Orleans from 1810 on. The writer has in progress a study of book-sellers and their libraries in New Orleans, which he hopes to complete shortly.

## PIERRE CLEMENT DE LAUSSAT, COLONIAL PREFECT AND HIGH COMMISSIONER OF FRANCE IN LOUISIANA: HIS MEMOIRS, PROCLAMATIONS AND ORDERS\*

#### By ANDRÉ LAFARGUE

It has been my pleasure and privilege in addresses that I have made and in papers that I have read before this distinguished body and its guests and in this very Sala Capitular, of hallowed memory, to refer time and again to a man, whose stay in Louisiana although of short duration was marked by spectacular and consequential events and who was the main figure in ceremonies that witnessed the passing of the Spanish domination, the reestablishment of the French Regime, its final passing and the inauguration of American governmental supremacy. This privileged character was Pierre Clement de Laussat, Colonial Prefect and High Commissioner of France, whose name is forever linked and identified with the stirring events that made of the year 1803 one of the most significant and important in the annals of Louisiana history.

In June, 1929, while in France, as Chairman of the delegation which New Orleans and the State of Louisiana had sent to attend the 500th anniversary celebration of the wonderful and well nigh miraculous undertakings of Joan of Arc, the Maid of Orleans, I responded to an invitation which had been extended to me the year previous by the municipality of Pau, a beautiful city situated in the Pyrenees section of France, and I delivered at the City Hall of the place, in the council chamber, before a very large audience, a lecture on French Colonial Louisiana, in the course of which I very naturally commented upon the eventful part played in our history by Pierre Clement de Laussat, who was born and raised at the Chateau de Bernadets, a very short distance from the city of Pau. At the close of the lecture I was introduced by the Mayor of Pau to one of my hearers who turned out to be Count Augustin du Pre de St. Maur and who thanked me very profusely for my laudatory comments upon de Laussat, informing me that he was the grandson of the illustrious Colonial Prefect. He further stated that he had been deeply stirred by my assertion that the name of

<sup>\*</sup>A paper read before the Louisiana Historical Society at a reception tendered by that body to Baroness Renee de Frachon, a grand niece of Pierre Clement de Laussat, Colonial Prefect and French High Commissioner of Louisiana, on March 9, 1931, at the Cabildo, in New Orleans.

Pierre Clement de Laussat was one that was held in high reverence and esteem in Louisiana and that he felt very grateful to the Louisiana Historical Society for its efforts to keep alive in the memory and hearts of Louisianians the deeds and accomplishments of his distinguished ancestor.

On that very day I attended, together with my fellow delegates, a breakfast (or luncheon as we would call it) given by the Mayor and the Municipal Council of Pau in honor of the Louisiana delegation, at which Count Augustin de St. Maur sat next to me, and for nearly two hours we talked at length about Pierre Clement de Laussat and his stirring career. On that occasion I was informed that young Antoine du Pre de St. Maur, the son of Count Augustin du Pre de St. Maur, who had custody and full charge of the archives left by the Colonial Prefect and of all documents relating to his stay in Louisiana, would call upon me and would present me with some of the most valuable original papers from de Laussat's library in the Chateau de Bernadets. On the eve of my departure from Pau, after a visit that I had made to the Chateau de Bernadets, a very distinguished looking and charming young man called at my hotel and introduced himself as Count Antoine de St. Maur. He stated to me that he was just about to get married and had been unable to see me up to that time because of his absence from Pau and its vicinity, caused by preparations for his impending wedding. He showed me a file containing a full list of the many documents, papers, proclamations and ordinances dealing with the stay of his illustrious ancestor in Louisiana and with his tenure of office as Colonial Prefect and High Commissioner and promised that he would send me several of the originals themselves and later on a full and complete set of the records appertaining to the colonial prefecture as established by his distinguished great grandfather in Louisiana. It was a very gracious thought and I expressed my thanks. As he was about to leave he presented me, as a token of personal esteem from his family and to comply with a promise that he had made to M. de Lassence, the genial and courtly mayor of Pau, with the Ex Libris or library copy of the Memoirs of Pierre Clement de Laussat, a very rare book, one that is entirely out of print today. The copy bears a dedicatory statement by the great grandson of the author himself and was the one which the Colonial Prefect had selected to place in his own library. It is a priceless gift and one that any historian or book lover would prize very highly. It is also stamped with the family scutcheon

and the motto of the de Laussat family: "Truth is always amiable". It so happens further that this copy was published in 1831, so that it is exactly one hundred years old. It contains a full narrative of the daily events that took place from the time of de Laussat's arrival on Louisiana soil to the time of his departure. I am everlastingly indebted to Count de St. Maur for this precious gift.

On my return to Louisiana I corresponded with the generous donor, who knows that I am deeply interested in his famous ancestor and who very kindly sent me a few months ago, through Baroness Renee Frachon, our honored guest of this evening, a batch of precious documents fresh from the library of the Colonial Prefect, if I may so express myself, but yellowed with age and numbered and annotated by de Laussat himself. They are proclamations and ordinances issued by the Colonial Prefect prior to his assumption of power and during the twenty days that he held sway over Louisiana.

Chronologically they are the following:

Document No. 1 is the proclamation which the Colonial Prefect issued to the inhabitants of Louisiana upon his arrival in the colony. It is dated in French Revolutionary Calendar style, "6 Germinal An XI", (the 27th of March, 1803,) and bears the signatures of de Laussat himself and of his secretary, Daugerot. It is unquestionably the original of the document which you will find exhibited in one of our glass covered cases in this hall, and is the first proclamation issued by the Colonial Prefect in Louisiana. It is couched in the pompous, sententious and truly conventional style of the day. It refers to the loyalty of Louisianians to the old mother country despite their abandonment and transfer to Spain by a government, which the Colonial Prefect, as a child of the revolution and a representative of the French Consul condemns and flays unmercifully. It comments eulogistically and deliriously upon the great man who was master of Europe at the time, Napoleon Bonaparte. It deals further with the many advantages which are to enure to the colonists through the return to power of France. It refer to the Captain General, General Victor, Count of Belluna, who had been appointed by the First Consul, commander-in-chief of the troops of occupation, to his career as a soldier and leader, and more particularly to his military prowess at the battle of Marengo. It refers also to the newly named Commissioner of Justice and to his many virtues, civic and otherwise. It alludes

to the Spanish regime of thirty years duration and praises the work accomplished in the colony by a government, which de Laussat claims "was generous and bent upon making reparations and which sought in every possible way to make Louisianians forget the bloody deeds of a representative unworthy of the noble nation that he belonged to ", a reference to the execution of Louisianians by Governor O'Reilly in 1768. It predicts, finally, for Louisianians a most prosperous and happy existence under the new French governmental regime.

The proclamation is worded with consummate skill and tact, though grandiloquent and fervid in style. It is the work of a man who was fully imbued with the revolutionary, philosophical and political ideas of his time and who was well aware that it was necessary that his first utterances on Louisiana soil should produce a good impression. It is conceived and written in clever fashion and contains nothing that could offend the power from which France had wrested, as it were, Louisiana. It sings the praises of the French Revolution and of its most distinguished son, Napoleon Bonaparte; it lets down Spain with flowery encomiums and gives full assurances to Louisianians that the rising sun of prosperity and political felicity is looming up on the horizon. De Laussat was a consummate politician as well as a sagacious administrator. This proclamation, through which he made his bow to Louisianians, amply shows it.

I consider this proclamation one of the most important he ever issued. As we all know Louisianians far and wide were deeply stirred by it. Delegations from the foremost citizens called upon him to renew their allegiance and fidelity to France and resolutions were adopted by the constituted bodies of the city of New Orleans and by the inhabitants of the Attakapas and other sections of Louisiana, in which assurances were given the Colonial Prefect that his appeal was one that they heartily concurred in and responded to. The proclamation had fully achieved its purpose. Its psychological and moral effect transcended even the fondest hopes of the Colonial Prefect. It is a document which very forcibly evinces the intellectual merits, the learning and the diplomatic skill of the man, whom Napoleon had chosen as his personal representative and had sent to a colony which had good reasons not to feel too kindly towards the former French regime and which gladly welcomed a Colonial Prefect, whose views and political preferments met with their approval. De Laussat had from the very start displayed tact, ability and consummate patriotism. All eyes were turned towards him and had he been inducted into office on the day that he issued this proclamation he would have met with no opposition whatever. He was the hero of the day.

Document No. 2 is the proclamation which the Colonial Prefect issued to the people of Louisiana and which he read from the balcony of the Cabildo on November 30, 1803, subsequent to the retrocession ceremony and after Salcedo and Casa Calvo had turned over to him the keys of the city. A note of sadness permeates the document from the very beginning. De Laussat states therein that he has just received from the representatives of His Catholic Majesty, the King of Spain, the full surrender of their authority over the colony. He calls the attention of Louisianians to the tricolor of France, which has just been hoisted on the Place d'Armes and which at the very time was being saluted by a salvo from a French ship in the harbor, but he hastens to add with considerable sadness that he knows that the beautiful emblem of his country will not float very long over the country. "The commissioners of the United States charged with the custody and protection of the colony will soon be here to take formal and official possession of the territory in the name of the Federal Government", says he. "I am on the eve of transferring my authority to the United States Commissioners; they will soon arrive; I am waiting for them".

The Colonial Prefect then sets forth the reasons that prompted France to cede Louisiana to the United States. He states that France has shown both wisdom and love for its inhabitants in signing the treaty which made of Louisiana American territory. He refers particularly to Article III of the Treaty, wherein the inhabitants of Louisiana are granted and guaranteed that they are to be vested as soon as possible with all the rights, privileges and immunities appertaining to American citizenship and vouchsafed by the Constitution of the United States and are to be fully protected in the exercise and enjoyment of "their liberties, properties and the religion which they profess".

The proclamation further sets forth the liberal and politically beneficial character of the Constitution of the United States and predicts a brilliant and most promising future for the young American Republic. De Laussat then refers to the many disadvantages that would have resulted from the geographical distance

that separated France from Louisiana, if the latter country had remained under the French flag, and points out that the incorporation of the colony into the Republic of the United States is bound to redound to the greater welfare of both. He speaks in glowing terms of the part which Louisianians are bound to play in the affairs of the growing American nation. He tells Louisianians that they will soon be vested with an autonomous form of government such as the other States of the Union enjoy and that they are bound to prosper and live happily and thrive under a governmental regime whose wisdom and liberal character have been fully tested and whose laws and political principles have always given the utmost encouragement and protection to agriculture and to commerce. He refers to the great importing and exporting trade which Louisianians are bound to develop under the American flag and he calls the Mississippi very picturesquely "the Nile of America"—a Nile, which as he puts it, "does not water or irrigate burning sands but vast and fertile plains and territories, most happily situated in the new world; a river which some day will flow past the docks and quays of another 'Alexandria', to which thousands of vessels from the world at large shall be tied up".

As we can see, de Laussat was a firm believer in the future and continued growth of New Orleans as a port and as a great commercial center.

He further expresses the hope, in this proclamation, that Louisianians will always acclaim the French flag flying from the masts of the ships, hailing from his country, which will visit this port. This hope as we all know, has been fully realized. The men-of-war and the commercial vessels that France sends to New Orleans have always been extended a warm and fervently patriotic welcome. The French flag in our harbor is always greeted with a considerable show of friendship and gratitude.

De Laussat then alludes in the proclamation to the stipulation of Article VII of the Treaty through which Louisiana was ceded by France to the United States of America, known as the "Louisiana Purchase Treaty", guaranteeing unto French citizens for a period of twelve years the right to enter the port of New Orleans and to conduct business on the same terms and conditions as the citizens of the United States might be entitled to. In that respect he uses the stirring and significant words: "Your children, Louisianians, shall be our children and our children shall become

yours"—"You will send your children to perfect their education and to develop their talents in our midst and we will send you ours, so that they can help you in the great task that lies before you; so that you can become more efficient through their numerical assistance, in your work, in your industries and in your efforts to wrest from unconquered nature its just tributes to toil and perseverance".

He concludes by stating that he has dwelt at length upon the many advantages of American citizenship because he knows that there are numerous Louisianians who deeply regret the decision taken by France to transfer Louisiana to the United States or to any foreign country. He is deeply touched by such devotion and loyalty to the French nation but he feels that Louisianians will have cause some day to thank France for what she has done by conferring upon them American citizenship and all that it stood for. His final wish is most eloquently and aptly expressed when he states as follows: "To-day, as well as in the future, may a Louisianian and a Frenchman never meet without feeling that they are bound by the tenderest ties of fraternal affection and may they always refer to one another as brothers, and may this appellation forever be representative under all circumstances of their future undertaking and of their freedom of thought and action; may they act as brothers in their joint labors for the greater good and welfare of humanity at large". Words that were truly prophetic as the late World War has shown.

The language in this proclamation is lofty and inspiring. It pays a splendid tribute to France and to the United States, as well as to the form of government of the latter country. Through it all, as I have said before, there runs a note of sadness. One can read between the lines of the proclamation that de Laussat was loath to leave a colony where he had expected to rule for several years and which he had learned to love, admire and respect within the short time that he had lived on Louisiana soil. One cannot blame him for this feeling. It is human and most flattering to Louisianians and to their sense of devotion to the old mother country. His vision of the future growth and importance of New Orleans as a port and a great commercial mart is truly prophetic and his admonitions to Louisianians to remain devotedly attached to France and to her children are soul inspiring and have actually borne fruit, as next to their own country, Louisianians, as we all know, love France the most.

The proclamation issued by the Colonial Prefect on the occasion of the transfer of the colony from France to the United States on the never to be forgotten November 30, 1803, is couched in the solemn, lofty and beautiful language which one would expect from a scholar and an astute statesman. It does full justice to the learned and patriotic Colonial Prefect and High Commissioner and must have made quite an impression upon Louisianians, irrespective of their political views and notwithstanding the contention of certain historians that the inhabitants of the colony in those days were much more concerned with the possible effect economically that the change of domination might have than to give vent to expression of loyalty and fealty to the French nation and to the governmental regime which prevailed at the time in the old mother country. Unquestionably the return to power of France and the assertion of her authority through her duly constituted and empowered High Commissioner and Colonial Prefect was an event which was hailed with delight by the Colonists. Pierre Clement de Laussat when he issued his proclamation which signalized the change in government in November, 1803, worded it in a language which appealed strongly to the patriotic feelings of the colonists towards France and which avoided carefully anything at which the Spaniards might take offense.

Having proclaimed the advantages of the new regime, it was natural and logical that de Laussat should call for full allegiance to the tricolor of France, the new flag, emblematical of the revolutionary government and of its present form, the Consulate.

Document No. 3, in my collection, is a proclamation issued likewise on the day that France took formal possession of the retroceded colony, to wit, November 30, 1803. It followed the proclamation above referred to, which marked the passing of Spanish power in our midst. It is brief, dignified and to the point. It reads as follows:

"In the name of the French Republic. The Colonial Prefect and Commissioner of the French Government to the French Citizens who reside in Louisiana:

"Citizens of France: The French flag flies to-day before your eyes everywhere. In this distant land it recalls your battles and your victories, your loyalty and your valor. It vainly looks around for the accustomed array of formidable bayonets which usually surrounds it and which has conferred upon it so much glory and power, but greeted by a loyal and faithful ally, it will be preserved and protected in future by Louisianians, worthy children of our fathers; it will likewise be kept in safety and reverence, through your love, your fidelity and your devotion to the mother country.

"Citizens of France, this flag is the cherished emblem, around which we must rally and in your name and upon your honor I swear in its presence that you will prove loyal to it at all times and under all circumstances. Its short stay in our midst, through your efforts and with your assistance, will leave a long remembrance of days of tranquility, order and concord, a most worthy spectacle which its advent will have signalized. GIVEN at New Orleans, the 8th day of Frimaire in the year XII of the Revolution (November 30, 1803).

(signed) Laussat,

For the Colonial Prefect, Commissioner of the French Government.

The Secretary of the Commission,

(signed) Daugerot."

The statement in this proclamation that the "flag of France is not surrounded with its accustomed "array of glittering and formidable bayonets" is an allusion to the lack of military splendor and pomp which the Colonial Prefect had hoped to give to the occasion. It will be remembered that when he left France, he had been promised that General Victor, Duke of Belluna, would join him in Louisiana very shortly and would head a military expedition of considerable size and importance. The change in the military plans of the First Consul prevented the army of occupation from ever getting to Louisiana, a circumstance which time and again placed the Colonial Prefect in a most embarrassing position. When the Colonial Prefect discussed with Salcedo, the Spanish Governor, and Casa Calvo, the Spanish High Commissioner, the ceremonial incident to the formal transfer of the colony from Spain to France, he was offered as an escort Spanish troops, an offer which he declined courteously but emphatically. He was practically left alone, with but a few civilian followers and two or three staff officers of minor military rank, with the sole exception of Major Burther and Major Vinache, the engineering corps, to carry out with dignity and solemnity the part of a Colonial Prefect and

High Commissioner, in ceremonies which called for a display of pomp and military power, and we know that he acquitted himself of his task with consummate tact and ability.

The proclamation glorifying the French flag was a splendid tribute to the emblem of that country and was a direct appeal to Louisianians to uphold, defend and forever love and protect the colors of the old mother country. It was intended also to cover up and explain to the colonists as well as to the Spaniards themselves what might have seemed to them to be sheer neglect or indifference in providing the Prefect with a suitable military retinue.

It will thus be seen that the Colonial Prefect had a reason and a deep motive for every step that he took and every move that he made from the time that he officially assumed power.

De Laussat then turned to external affairs, if I may so express myself, and issued a proclamation, likewise dated November 30, 1803, in which he announces that the Spanish customhouse system has been dissolved and in which he appoints at once Mr. Garland as Provisional Administrator General and Director of Customs at New Orleans, and citizen Navailles as Provisional Treasurer of the Customhouse, vesting them with the necessary powers to carry on without interruption the important work incident to the collection of revenues which New Orleans as a port of entry levied.

Document No. 4 is the original order issued by de Laussat appointing Mr. Garland and citizen Navailles, respectively, as Collector of Customs and Treasurer under the newly installed French regime.

De Laussat had determined that he would lose no time in providing New Orleans with a form of government compatible with the liberal and representative regime brought about in France by the Revolution and of which he was the representative and exponent. After he had dissolved the Cabildo, on the very day on which the retrocession of the colony was effected, he issued without further delay an ordinance providing this city with its first mayor and first municipal council. This was a most momentous step. New Orleans as a city was thereby given its first municipally representative form of government in its history, one which with few modifications prevailed until the present commission form of city government was finally adopted. This history-making document, of which I have the original, bearing the authentic

signatures of de Laussat and Daugerot, his secretary, and stamped with the seal of the colonial prefectorate, reads as follows:

"Colonial Prefecture. An ordinance for the establishment of municipal authority in New Orleans. De Laussat Colonial Prefect, Commissioner of the French Government.

"Considering that the transfer of Louisiana to the French Republic by the Commissioner of His Catholic Majesty carries with it the revocation of the constituted authorities who held their power from the Royal Crown and whose functions and the mode of exercising same were essentially patterned after institutions of the Spanish Monarchy, and considering further that the Cabildo of this city is entirely of this character;

"Considering further that it is essential that there should not be even a moment's interruption, due to the change in domination, in the daily exercise of the powers through which the police and social order in the community are maintained.

#### "IT IS ORDERED:

"Article I. A municipal body consisting of a mayor, a council of twelve members and a recording secretary, is hereby established in New Orleans.

"Article II. Those appointed to these various functions are the following:

"MM. Bore, as mayor,

"Derbigny, as recording secretary.

"Messieurs Destrehan, who shall likewise provisionally fill the functions of first deputy mayor.

"Sauvee, who shall provisionally fill the functions of second deputy mayor.

"Livaudais senior, Petit Cavelier, Villeray, Johns senior, Fortier senior, Donaldson, Faurie, Allard junior, Tureaud, Jean Watkins and M. Labatut, as treasurer of the city.

"Article III. The aforesaid citizens shall discharge their functions at once.

"Given at New Orleans, 8 Frimaire, in the 12th year of the French Revolution, November 30th 1803. (signed) Laussat,

For the colonial prefect and commissioner of the French government.

The Secretary to the Commission (Daugerot)."
(Seal of the Colonial Prefecture of Louisiana).



### ARRETÉ

Pour l'Établissement de l'Autorité Municipale

A LA NOUVELLE - ORLÉANS.

# LAUSSAT, PRÉFET COLONIAL,

COMMISSAIRE DU GOUVERNEMENT FRANÇAIS;

Considérant que la remise de la Louisiane à la République Française par les Commissaires de S. M. C. entraîne la diffolution des Autorités qui y tenaient immédiatement leur caractère de sa Couronne Royale & dont les attributions & le mode de les exercer étaient effentiellement propres aux institutions de la monarchie Espagnole, & que le CABILDO de cette ville est notamment dans ce cas;

Arrendu qu'il importe effentiellement de l'action journalière des Pouvoirs si maintiennent la police & l'ordre cial ne demeurent pas un instant spendue dans ces changemens de do-ination;

#### ARRETE:

Aar. L Il est établi à la Nouvelle-prième un Corps aunicipal composé fun Maire, d'un Conseil de douze sembres & d'un Secrétaire Greffier.

II. Demenrent nommés à ces diver-les places, favoir :

mm. Bore, maire.

Derbigny, Secrémire-Greffier.

#### CONSEIL MUNICIPAL

#### M M.

Destrehan, qui fera provisoirement fonctions de premier adjoint du

Sauvée, qui fera proviloirement fonc-tions de a me, adjoint du maire. Livaudais, père; Petit-Cavelier;

Villeray ;

Johns, père;

Fortier, père; Donaldson;

Faurie ;

Allard , fils ;

Tureaud; Jean Watkins;

Et M. Labatut, Trésorier de la ville.

III. Tous lesdies Citoyens entreront en fonctions sur le champ.

Donné à la Nouvelle Orléans, le 8 Frimaire an XII de la République Françaile, & 30 Novembre 1803,

Par le Prefet Cotonial, Commissaire du Gouvernement Français,

Le Secrétaire de la Commission

Maure not

Thus was New Orleans given its first mayor and municipal council, its first representative municipal government, a most significant event in the history of our city and of the entire colony. We know that during the twenty days that de Laussat remained in power his newly created municipal council was kept busily at work with day and night sessions, enacting ordinances relating to police, finances, sanitation, the creation of a fire department, the founding of a civil hospital and devoting themselves to the many measures which at once became necessary to replace those which had been previously adopted by the Cabildo and which had been abrogated by the Colonial Prefect through a special ordinance which we have previously referred to. The first city council was given no respite by the Colonial Prefect in order to conform with the democratic program of city government which de Laussat had mapped out for it. I understand that some of the ordinances enacted by this municipal council are still on our city statute books, a fact which bespeaks eloquently the wisdom and foresight of the Colonial Prefect and of the first municipal council of the Crescent City.

De Laussat then signed an order relating to the preservation and integrity of the public archives and judicial records of New Orleans. The order reads as follows:

"Colonial Prefecture. An ordinance for the preservation of the judicial and public archives of the City of New Orleans. Laussat, Colonial Prefect, Commissioner of the French Government.

"Considering that the ownership of property and the civil status of the citizens in and of this city, and the guaranty which society should furnish as against those who commit crimes are matters of the utmost importance in every orderly community and are inseparably linked with the preservation and the inviolability of judicial and public records and that it is of major importance that the character and conservation of such public records should not be affected by the transitory period and the many changes brought about by the new domination which is being asserted in Louisiana.

"IT IS ORDERED: That commissioners named by the Municipal Council shall immediately repair to the offices of the various notaries as well as to the offices of the depositaries of public archives and of municipal and judicial records, to affix proper seals upon such records, leaving in the hands of public officials charged with their custody and preservation none but the current

records until such time as otherwise ordered by the competent authorities as they are established in due course.

"GIVEN at New Orleans, the 8th Frimaire, in the year XII of the French Revolution, November 30th 1803.

(signed) Laussat,

For the Colonial Prefect, the Commissioner of the French Republic. The Secretary of the French Commission, (signed) Daugerot."

With consummate zeal and foresight de Laussat issued this order for the preservation of archives which he knew vitally affected the status and welfare of the inhabitants of the colony and the ownership of their property.

The next document is an order signed and issued by the Colonial Prefect likewise the same day, directing the newly appointed municipal council to appoint "sur le champ", "at once", and as one of their first acts in entering upon the discharge of their functions, commissioners, whose duty "it shall be to repair to the various places where public funds were kept, of a municipal, public or religious character, and there and then to require a strict accounting and rigid auditing of all monies collected to date; to have all documents and accounts properly inspected and to see that all balances are properly paid at once into the city treasurer's hands, Mr. Labatut", the official appointed to that office just a few hours previous. The order further directs the commissioners to take such steps as might be necessary to have all municipal and other taxes properly and duly levied and collected, without interruption whatsoever caused by the change in domination, and to see that the sums of money so collected be paid into the city treasury and kept under the supervision and control of the City Council. This inspection, auditing and collection of public funds, he specially recommends, must be made without any interruption in the daily receipts and the collection of public monies. De Laussat's idea through this order was to create a centralized treasury, one into the coffers of which all funds were to be paid, subject only to withdrawals through ordinances duly enacted by the municipal coun-The order is further evidence of the thoroughness of method evinced by the Colonial Prefect from the very beginning of his short-lived administration. He had carefully mapped out the form of municipal government to be given New Orleans in its various departments. Nothing was left to chance or mere hazard. The question of the auditing and accountability of public finances was

one which in those days loomed up with the same imperiousness as in the present. De Laussat meant that it should be given immediate attention by the municipal council and he so instructed that body through the order I have just commented upon.

The Colonial Prefect, indeed, had an eye to everything. After giving financial matters his attention, he now turned to the constitution of the military. On the day previous, in the presence of Salcedo, the Governor, and Casa Calvo, the High Commissioner from Spain, the militia had filed past the reviewing party on the balcony of the Cabildo, led by their duly appointed leader, Deville Degoutin de Bellechasse, and by the staff officers specially and hastily appointed by the High Commissioner from France, proudly bearing the French tricolor and loudly acclaiming as they went by the representative of the First Consul. On the following day, the 1st of December, 1803, de Laussat issued the following order:

"Colonial Prefecture. The Colonial Prefect, Commissioner of the French Government, decrees:

"That Baptiste Durel, a captain of militia at New Orleans, is hereby appointed to the rank of Paymaster General and to the functions thereof and as such is charged with the payment of the soldiery of Louisiana to whom pay is due for their services as members of the national guard.

"Citizen Vinache, Batallion Commander in the Engineering Corps and military commander at New Orleans, is charged with the execution of this order.

"Given at New Orleans, on the 9th day of Frimaire, in the year 12 of the French Republic, December 1st 1803. (signed) de Laussat, For the Colonial Prefect, Commissioner of the French Government, the Secretary of the High Commission. (signed) Daugerot".

On the same day, to-wit December 1, 1803, Laussat issued and signed the following order dealing also with the military department of the colony.

"Colonial Prefecture. Laussat, Colonial Prefect, Commissioner of the French Government.

"Considering that the militia is called presently to perform very active service and that it is urgently necessary to complete its general staff, which became vacant through the change in administration.

#### "ORDERS:

"That Mr. Darcantel, presently a lieutenant of artillery in the militia, is appointed a captain and assistant major of the militia at

New Orleans. Mr. Boisdore, an officer of the same militia, is appointed second assistant major. M. Durel, the elder, a sub-lieutenant of artillery, is appointed Lieutenant. MM. Landreaux and Perotin, sergeants in the militia, are appointed flag bearers. Citizen Vinache, Battalion Commander in the Engineering Corps and Military Commander of the city, is charged with the execution of this order.

"Given at New Orleans, on the 9th day of Frimaire, in the 12th year of the French Republic, December 1st 1803. (signed) De Laussat, For the Colonial Prefect, Commissioner of the French Republic.

The Secretary of the Commission, (signed) Daugerot."

On the 3rd of December, the Colonial Prefect officially commissioned the new militia staff which he had created and which had functioned unfalteringly and efficiently on and from the day that the tricolor had been hoisted on the Place d'Armes (today Jackson Square).

The original commissions are in my possession. They read as follows:

"Colonial Prefecture. In the name of the French Republic. The Colonial Prefect, Commissioner of the French Republic.

"Considering that due to a change in domination, the positions of several of the militia officers of the city have become vacant and that the active military service which the present situation calls for requires that these positions should be filled promptly, on the recommendation of the Colonel and Commanding Officer of the militia,

#### "ORDERS:

"Article I. The corps of militia officers of the city is made up of the following:

The General Staff in conformity with previous orders shall be composed of the following:

As Colonel, and commander-in-chief of the militia and inspector-general of the colored militia: M. Deville Degoutin Bellechasse, major, with the rank of Lieutenant Colonel. Livaudais junior, formerly assistant major of Carabineers, is commissioned a captain and assistant major. Paul Darcantel, captain and second assistant major. Louis Boisdore, flag bearer together with Francois Delery Dezilet and Francois Voland Delabarre." The order then creates a military contingent made up of companies of artillery, engineers, carabineers, infantry, and confers commissions as captains, first lieutenants, second lieutenants or left tenants, to Michel Fortier, Durel, the elder, Michel Fortier, jr, Urbain Meyeau, Allard sr., Haseur de Lorme, Labarre jr., Mercier, Antoine Cavelier, Guidreux. J. B. Durel, who had been appointed also as Paymaster General, as we have said before, A. Ducourneau, Urfin Durel, Louis Rieux, A. Cavelier jr., Zenon Cavelier, Villeray, the son, Guilloret, the elder, Francois Forcelle jr., Francois Latille, Jean Jones jr., Florence Durel, Morand Borecourt, Bernard Marigny, Antoine Maxent, Leandre Lacoste, Francois Landreaux, A. Boniquette, Bienvenu jr., Labarre jr., M. Maxent, S. Laville Boeuve." Names that are all borne today by members of the most distinguished families of Louisiana.

The colored militia was placed under the leadership of Charlot Brule, who was given a commission as captain. Two companies, one of Grenadiers and one of Fusileers were created, whose captains, and 1st and 2nd Lieutenants were Vincent Populus, Joseph Simon, Joseph Cabaret, Francois Durand, Louis Dussier and Louis Galaux.

The "black militia" was also organized and the command thereof given to Augustin Fazinde, who was commissioned a captain. The company of Fusileers was commanded by Louis Thomas and its lieutenants were Vincent Cupidon, Alexandre and Nisle, son.

"ARTICLE II: Citizen Vinache, Batallion Commander in the Engineering Corps and commandant of the city, is charged with the execution of the order.

"GIVEN at New Orleans, on the 11th day of Frimaire, in the year 12 of the French Republic, December 3rd 1803. (signed) Laussat, For the Colonial Prefect, Commissioner of the French Republic.

The Secretary of the Commission, (signed) Daugerot."

This document is likewise a most precious one, as must be apparent to all of you. It bears the names of some of the most illustrious ancestors of our Louisiana families and it again evidences the thoroughness and the zeal of the Colonial Prefect in furnishing the militia with a General Staff and with line officers that would supplant and fill at once the places made vacant among militia officers through the withdrawal or resignations of the Spanish officers or

of those who were not inclined to serve under the French flag. The order is likewise curious because of the distinction which it establishes between the "colored militia" and the "black militia". I am under the impression that de Laussat designated as such mulattoes and those that were jet black in color or of pure African strain. I am sure that this ordinance would prove of great interest to the general staff of the Louisiana national guard of today.

The next document in my collection deals with the maintenance, upkeep and watch of the bridge over Bayou St. John. As I am a resident of that section of the city and have from my front porch a splendid view of the Blanc residence, one of the most picturesque in the neighborhood, whose proprietor is referred to in the order, it has a special appeal for me. It reads as follows:

"Colonial Prefecture. In the name of the French Republic. Laussat, Colonial Prefect, Commissioner of the French Republic.

"Considering the regulations, supplemented by instructions given by the Governor, Baron de Carondelet, on March 28th 1797, for the proper policing, protection and surveillance of the bridge that spans Bayou St. John, and under which a bridge tender is appointed subject to the orders and supervision of the Syndic.

"Considering the appointment of Mr. Louis Blanc, as Syndic of the Bayou, made under date of June 6th 1796, by the aforesaid governor and the letter of Governor Don Manuel Gayoso de Lemos, dated January 19th 1798, in which he states and decides that while he has appointed Mr. Allard, Syndic of the district, Mr. Louis Blanc is to retain his functions as Syndic charged with the police and supervision of the bridge and with the execution of the regulations aforementioned.

"Considering further that the policing of the bridge is one that requires daily attention and should not be interrupted a single moment and that Mr. Louis Blanc has acquitted this task to the complete satisfaction of the public and of the government.

#### "ORDERS:

"That Mr. Louis Blanc shall be continued in and as far as required is again appointed Syndic charged with the police of the bridge on Bayou St. John and with the entire execution of the regulations adopted for that purpose on March 28th 1797.

"GIVEN at New Orleans, on the 10th of Frimaire in the 12th year of the French Republic, December 2nd 1803. (signed) Laussat, For the Colonial Prefect, Commissioner of the French Republic. The Secretary of the Commission, (signed) Daugerot."

The Blanc residence is one of the most picturesque on lovely Bayou St. John, as I have previously stated. It is still in an excellent state of preservation and houses the good pastor of the Catholic Church of Our Lady of the Rosary. In his memoirs Bayou St. John is referred to by Pierre Clement de Laussat as being a spot to which the elite of New Orleans would drive in large numbers and where functions of a most elaborate character were held by those who had built their summer homes on the banks of the meandering stream. The name of the Blanc family is thoroughly linked with the history of Bayou St. John.

The next document is one that concerns the history of our far-famed Charity Hospital. On December 3, 1803, Laussat issued an order placing the Civic Hospital (as he puts it) in New Orleans under the supervision and authority of the Municipal Council. It reads as follows:

"Colonial Prefecture. In the name of the French Republic. Laussat, Colonial Prefect, Commissioner of the French Republic. Orders:

"That the civil hospital of the City of New Orleans be and it is hereby placed under the authority and supervision of the Municipal Council.

"Given at New Orleans, the 11th day of Frimaire in the year 12 of the French Republic, December 3rd 1803.

(signed) Laussat,

For the Colonial Prefect, Commissioner of the French Republic.

The Secretary of the Commission, (signed) Daugerot."

On December 3, 1803, which seems to be a day on which the Colonial Prefect worked unceasingly and on which he issued a larger number of proclamations and orders than at any other time during his very brief tenure of office, Laussat through an official decree orders a certain Louis St. Julien, a native of Bordeaux, then living in the Carencro Section, District of the Attakapas, set free under bond. Louis St. Julien had been incarcerated on charges made by the local authorities, as the result of a brawl and a bitter controversy that had existed for some time between certain factions in the Attakapas region. On June 17, 1803, his wife was most foully murdered and he himself was most grievously wounded. As soon as he recovered from the severe beating which he had received he was imprisoned on the charge of sedition and because of his

show of intense loyalty to France, when he heard that country had obtained the retrocession of Louisiana from Spain and also because of his deep devotion to the Colonial Prefect after the latter had issued his proclamation upon his arrival in the colony. All of this is claimed by de Laussat as being valid ground for setting St. Julien at liberty, under a bond, with the formal promise on the part of the accused to appear before the judicial authorities of the colony whenever summoned. The St. Julien case is a celebrated one. It has been referred to and commented upon very ably in our Louisiana Historical Quarterly. The judicial records bearing upon the case have been fully translated and incorporated in the Quarterly. The learned editor of the official organ of the Louisiana Historical Society has thrown every possible light of a documentary character upon an incident which at the time of de Laussat's coming into power had assumed the proportions of a cause célèbre. The order is a very lengthy one and will be translated by me in full at a later date. It will be added to the mass of printed data relating to the case. Judging from de Laussat's statements, St. Julien had been a victim of his political allegiance and views as a French patriot. To fully understand the case it is necessary to read the valuable data published in full by the Louisiana Historical Society in its Quarterly. The order is followed by another one from the Municipal Council, signed by Bore as Mayor and by Derbigny, as Secretary and Clerk of the Council, reading as follows:

"Considering the order aforementioned issued by the citizen Laussat, Colonial Prefect and Commissioner of the French Government, the council orders that it be executed without delay and that consequently citizen Louis St. Julien be set free at once under the bond aforementioned. The council further orders that this municipal order be printed, read, published and posted whenever need be.

"THUS DONE in official session, at the Common House (Municipal Council Chamber or City Hall) New Orleans, this 11th day of Frimaire, the 12th of the French Republic. (signed) Bore.

For the mayor, signed and sealed, P. Derbigny, Secretary and Recorder. Registered the same day. (signed) P. Derbigny, Secretary and Recorder."

Count Antoine de St. Maur, the youthful and genial descendant of Pierre Clement de Laussat, presented me also with either originals or authentic copies of his orders issued on December 3,

1803, maintaining in office and confirming the authority and powers of various post commanders and military and civil functionaries at Iberville. Pointe Coupée, the Côte des Allemands, the Attakapas region, and the lower Mississippi section, the officials who had served under the Spanish crown and had not tendered their resignation. In each and every one of these orders and proclamations the Colonial Prefect and French High Commissioner showed that he was concerned with the proper maintenance of order and discipline in the newly restored French colony. He was obviously anxious also that the change of regime should not give an opportunity to those who were dissatisfied with it, Spanish sympathizers, for instance, to work insidiously in a spirit of revolt or in an attempt to weaken French authority. Although he knew full well at the time that he would soon transfer Louisiana to the United States of America and that his tenure of office would last only twenty days he was determined that the colony during that brief period of time would not become the prey of dissension and of a lack of respect for constituted authority.

One of the most important documents of my collection of de Laussat papers is the original order constituting the first fire department under municipal democratic government ever established in the Louisiana province. This document, bearing the signature of the French Colonial Prefect and of his secretary Daugerot, as well as the official seal of the French government, is dated December 16, 1803. It was issued on the day following one of the most disastrous fires which ever visited New Orleans. It is couched in the usual picturesque but firm language of the Colonial Prefect, and reads as follows:

"Colonial Prefecture. In the name of the Republic of France. Laussat, Colonial Prefect, High Commissioner of the French Government.

"WHEREAS last night's fire in this city threatened it with imminent and entire destruction, and

"WHEREAS the losses, very fortunately, and for which we should render thanks to a kindly Providence, were confined to the destruction of the buildings in which the conflagration took place. and

"WHEREAS this fire and its consequences have brought very forcibly to our attention that the authorities and the inhabitants in such cases tender their assistance and help with greater zeal than discretion and order or efficacy, and "WHEREAS the imperishable recollection of the fires of 1788 and of 1794, spreads great alarm among the inhabitants as soon as a fire begins or breaks out and stirs up the citizenry of this community and that it is important that such popular emotion and alarm should be turned to proper advantage for the benefit of the safety of the community and public welfare instead of allowing them to become vain through useless panic or in divergent or isolated efforts to preserve a few pieces of private property; and

"WHEREAS that to further delay of action in this matter would be a grave mistake and might entail irreparable injury in connection with the police measures which from now on such accidents will require throughout the territory and particularly in a city built like the present one and at a time of the year such as the present one;

#### "IT IS ORDERED:

"Article 1. Without further delay there shall be constituted a Company of Militia Engineers and Firemen which shall be included in the Militia Corps of New Orleans;

"Article II. This company shall be composed entirely of men belonging to the various crafts or occupations which might prove most useful in fighting a fire, such as carpenters, cabinet makers, wheelwrights, blacksmiths and locksmiths.

"Article III. The Municipal Council and the Commander of the Militia will confer as to the organization of this company and as to the manner in which it can be employed promptly and usefully in time of emergency.

"Article IV. The Municipal Council shall study at once everything pertaining to the proper policing of fires, whether in an effort to prevent them or to remedy the situation, through the adoption of practical measures in various localities.

"Thus given in New Orleans, on the 24th Frimaire, in the year XII of the French Republic, and the 16th of December 1803.

(signed) LAUSSAT,

For the Colonial Prefect and High Commissioner of the French Republic, The Secretary of the Commission,

(signed) DAUGEROT."

(Here follows the official seal of the Colonial Prefecture of Louisiana).



AU NOM DE LA RÉPUBLIQUE FRANÇAISE.

# LAUSSAT, PREFET COLONIAL,

COMMISSAIRE DU GOUVERNEMENT FRANÇAIS,

Confidérant que l'in cendie de la mair dernière dans cette ville, l'a menacée toute ensière du danger le plus imminent; que set désastres par un bonheue inoui & dont il saut rendre des actions de graces à la Providence, se sont réduits à consumer les bitmens où il avait pris ; qu'ils nons ont néanmoins ; donné lieu de nous appercevoir que les autorités & les habitans prodiguent en pareil cas ici leur secouts avec plus de zèle que d'ordre ; & par conféquent que d'éfficacité ; que les souvenirs impérissables des moendies de 1788 & de 1794 répardent à l'apparition des moindres étincelles , une alarme dont il importe de s'aire marger les souvements an presis de la affecté publique ; au lieu de les laistes se seuvement en pareil de la salvete publique ; au lieu de les laistes se percelles des propriétés privées ; qu'un jour de délai oft une finue de peut devenir un grabé melleure de pareil en des propriétés privées ; qu'un jour de délai oft une finue de peut devenir un grabé melleure de pareil en des propriétés privées ; qu'un jour de délai oft une finue de peut devenir un grabé mélleure le peut de peut de la ces messas calle ci de cu une suite bité comme calle ci de ch une suite la les comme calle ci de ch une suite la les ces mas calle le ce a can se suite la ces une suite bités comme calle ci de ch une suite la les ces mes calle le ce a can se suite la ces une suite bités comme calle ci de ch une suite la les seuses calle le ces a can se suite la ces une suite bités comme calle ci de ce une suite la la ces une suite la ces une su

ARRIVE:

Art. I. Il fert créé fant délai veu Companne de Saprus, du Mintque qui fern partie du Corpe des seilcus de la Nouvelle Orifant :

Il. Elle lera composée toute entière, Thomases des divers aétiers, dont les incendies réclament le plus un secours preffant, rels que notamment Charpentiers, aténgisses, Charrons, & Forgo-

III. Le corps sunicipal & le Commandant des utilices s'entendront, foit post la formation de cette compagnie, foit pour régler la manière la plus pranque & la plus utile de l'employer

IV. as corps financipal presides an bimbe of consideration tout on qui tient la successification tout on qui tient la prevenit que pour y remédier, par les moyans les plus applicables aux Lecalités.

Donné à la Nouvelle-Orléans, le 14 Primaire en XII de la Répabilique Prançaise, & 16 Décembai 1803.

Par I Prifer Colonial Committees

La Scotlage de la Cassalfito,



Thus it will be seen that de Laussat, during the short time that he remained in office, from November 30 to December 20, 1803, gave ample evidence of being a man of rare decision and sagacious foresight. His proclamations and orders, for such a brief space of time, cover every possible contingency. He provided the retroceded colony with an entirely new form of democratic government, a municipal council, a mayor, a city treasurer, a president of the council and other city officials, after dissolving the Cabildo and abolishing as it were every trace of Spanish colonial administration: he established an efficient and properly functioning militia; he provided the colony with proper military commandants at the various posts and with a new system of properly controlled and supervised finances; he placed the Civic Hospital under the authority of the Municipal Council and, warned by a serious fire which took place during his tenure of office, he constituted without further delay the first fire department of an efficient character which the colony had ever been endowed with.

The administrative genius of the man is reflected in every one of his proclamations and orders, and had he remained in power longer, had his cherished dream of vice-royalty as High Commissioner come true, he would have further revealed himself as a man of remarkable endowments, fully worthy to represent the First Consul, the great Napoleon Bonaparte and the French Republic in distant Louisiana.

# GENERAL EDMUND P. GAINES AND THE PROTECTION OF THE SOUTHWESTERN FRONTIERS\*

# By JAMES W. SILVER

From tidewater Virginia to west-central North Carolina and then to East Tennessee, Edmund Pendleton Gaines as a child had taken part in the first surges of the ever moving frontier. In Mississippi territory during those turbulent days between the Louisiana purchase and the second war with Great Britain, rising to fame in that struggle prompted by the West, and subsequently commanding on the Southeastern frontier until the annexation of Florida, he had become identified with the expanding sectors of a growing nation. By 1821 Anglo-American civilization had substantially crossed the Mississippi in only two sections, Louisiana and Missouri, and so for the next ten years it was perhaps appropriate that General Gaines divide his time between the eastern and western commands of the reorganized army. After 1830 permanent headquarters at Memphis, St. Louis and New Orleans indicate that his major interest was in the protection of the trans-Mississippi area.

The "southern section of the western frontier from the mouth of the Sabine to Red River, and thence with the Mexican or Texan boundary, to the Arkansas River," Gaines considered the most vital and important area of the whole inland frontier of the United States "because of the threat of the most powerful savage nations, the struggle still going on between Mexico and Texas, and the possibility of foreign intervention therein." As Gaines saw it this section was the key to the protection of the lower Mississippi Valley, for the destiny of which he visioned great things. The pacific policy of the War Department, depending upon the friendship and weakness of possible opponents, caused him to propose many plans for the strengthening of the southwestern frontier. And he, himself, was often actively engaged there between 1821, when he directed Lieutenant-Colonel Zachary Taylor to explore in the vicinity of Natchitoches to locate a site for a cantonment later known as Fort Jesup, and 1846, when he became embroiled with the War Department for illegally (the second time in two years) despatch-

<sup>\*</sup>A paper read before the annual meeting of the Mississippi Valley Historical Association, at Austin, Texas, April 16, 1936.

1 House Executive Documents, 25 Cong., 2 Sess., No. 311, 8.

ing reinforcements to the aid of the supposedly beleaguered General Zachary Taylor.

In spite of the possibilities of international complications the major problem of Gaines centered around the numerous tribes of dissatisfied Indians in the Southwest. There were the indigenous tribes, those forced southward by the more ferocious redmen of the plains, and the ones pushed westward by the expansion of the white frontier, these last bound together in a powerful confederation known as the "associated bands." By treaty both the United States and Mexico bound themselves to restrain Indians on their respective frontiers. It is significant that as early as March, 1823, Gaines was ordered by Secretary of War Calhoun to take such measures as he deemed necessary to protect settlers on both sides of the Louisiana-Texas line. In 1836 he asked and received authority to cross "the supposed or imaginary national boundary" in order to restrain the Indians.

To be prepared for outbreaks possibly disastrous to American frontiersmen, and also to the peacefully inclined Indians, Gaines, in 1827, recommended the moving of Fort Jesup nearer the international boundary and the reinforcing of Fort Towson.5 It should be remembered that one of his chief contentions throughout his career consisted of real protection to the pioneer, "the efficient work of which should commence, if possible, before the work of destruction on the frontier has begun—protection to the living citizens, rather than to the ashes of the slain."6 This may well be contrasted with the feeling of the War Department in withdrawing troops from Ft. Towson in 1829 supposedly because they were expensive. The border which had been at least partially pacified by the presence of soldiers again became the scene of the usual tribal warfare and excursions against the whites.7 But with the arrival of more immigrant tribes after 1830 the number of troops was increased until, in 1832, there were more than a thousand distributed at Forts Gibson, Jesup, and Towson.8 Many suggestions were made for the improvement of defense, which was bound to be precarious

<sup>2</sup> Calhoun to Gaines, March 31, 1823, A.G.O., O.R.D., Military Book XI, 468.

8 Ibid., 101.

<sup>&</sup>lt;sup>2</sup> Thomas Maitland Marshall, A History of the Western Boundary of the Louisiana Purchase, (Berkeley, 1914), 124-140.

<sup>&</sup>lt;sup>4</sup> Gaines to Cass, March 29, 1836, House Executive Documents, 25 Cong., 2 Sess., No. 351, 768-9; Cass to Gaines, April 25, 1836, A.G.O., O.R.D., Military Book XV, 360-2.

Gaines to Taylor, March 1, 14, 1827, A.G.O., O.R.D., Letter Book 100, 231-2, 233.
 Gaines to Arbuckle, August 10, 1836, Gaines Papers, Tennessee State Library.

<sup>7</sup> Henry Putney Beers, The Western Military Frontier, 1815-1846, (Philadelphia, 1935), 72.

at best. In the middle thirties the introduction of cavalry perceptibly aided in such an extensive area to be guarded by so few men.

In February, 1838, Gaines outlined his third and most complete recommendations for the protection of the western frontier.9 For the southwest sector the proposal included the immediate establishment of five army posts: the first, at the mouth of the Sabine, equal in size and importance to Fort Jackson; the second. at the head of steamboat navigation on the Sabine; the third, on the Red river near the mouth of the Kiamichi; the fourth, at the point at which the national boundary left the Red river; and the fifth, where that line intersected the Arkansas river. 10 For the complete integration of such a plan of defense Gaines included an elaborate system of railroads which he thought would be of paramount importance in building up the country.11 At the time considered entirely visionary, his proposed network many years later was to become reality. An additional plan of defense envisaged the locking up of seaports such as New Orleans by means of floating batteries, chevaux de friezes, and forts. Gaines consistently maintained that if his ideas were carried out no enemy could ever "bring a gun to bear upon the City of New Orleans."12 This might lead one to an interesting but profitless speculation on the ease with which that city was taken during the Civil War.

Of less importance in the protection of the Southwest might be mentioned aid in prevention of slave uprisings,13 the making of topographical surveys, the clearing of rivers and building of roads:14 in fact, all of those peacetime occupations of the army. seldom remembered but highly significant in the development of a new region.

Doubtless the most difficult of appraisal of all Gaines' activities on the Southwestern border comes with the revolt of the Texans in 1836. Returning from the Seminole fiasco in Florida the general hurried to Fort Jesup with the purpose of taking personal command of a very troublesome situation. His prejudices were indicated when he wrote of the Texans as "our neighbors," while the Mexicans were "lawless" and conducted war in a "sanguinary manner."15

<sup>•</sup> House Executive Documents, 25 Cong., 2 Sess., No. 311. 10 Ibid., 11 Ibid., 16.

Gaines to Spencer, September 28, 1841, A.G.O., O.R.D.
 Gaines to Commanders of Posts, July 10, 1831, A.G.O., O.R.D., Letter Book 102, 263-265, 266-268.
 Beers, op. cit., 114-115, 131, 135-137.
 Gaines to Cass, March 29, 1836, House Executive Documents, 25 Cong., 2 Sess., No. 351, 782.0

Arriving at Natchitoches on April 4 the general found a most confused state of affairs. For a month the prospects of the Texan revolutionists had been growing dimmer, with the straggling forces under Sam Houston ever retreating towards the Louisiana border before the victorious Santa Anna.16 Thousands of Americans, panic stricken by the news of Mexican atrocities, were fleeing madly toward the swollen Sabine river and apparent safety, all the while crying for aid to their more unfortunate brethren apparently soon to be massacred. Evidence was poured in to Gaines to the effect that numerous restless Indian tribes were only waiting for the approach of Santa Anna before descending on the white inhabitants on both sides of the international boundary. He well knew the hatred of the redmen for both Texas and the United States! Not only was the United States pledged by treaty to prevent Indian excursions into Texas, but Gaines knew that in a general uprising no boundary would be respected. In such an emergency he called for volunteers from four western states, 17 instructed the Indians on both sides of the border that he would suppress any outbreak, gathered every available bit of information on the situation, and, on April 20, ordered thirteen companies of infantry to the Sabine. 18 Five days later the general composed identical letters to Santa Anna and Sam Houston, stating that he was determined to preserve neutrality and to hold the tribes in check, and warning both neither to arouse the Indians nor to move into the area disputed by the United States and Mexico.19 But with the complete victory of the Texans at San Jacinto, Gaines ceased further preparations and suspended his call for volunteers.20

The actions of General Gaines prior to the battle of San Jacinto have been greatly criticized,21 though just how much they influenced the course of events in Texas probably never will be known. He is said to have given too much credence to biased accounts of Texan affairs coming from those interested in seeing United States troops cross the international border.22 to have looked for all possible information to prove the Indians restless,23 to have suspected

<sup>16</sup> Gaines to Cass, April 20, May 2, 1836, House Executive Documents, 25 Cong., 2 Sess., No. 351, 771-773, 784.

17 Gaines to Governor Cannon, April 8, 1836, Tennessee Historical Society Archives.

18 Gaines to Cass, April 20, 1836, loc. cit.

19 Gaines to Santa Anna, April 25, 1836, A.G.O., O.R.D., Letter Book 104, 293-295.

20 Gaines to Cass, May 2, 1836, House Executive Documents, 25 Cong., 2 Sess., No. 351,

<sup>182.</sup> Some Holst, The Constitutional and Political History of the United States, (Chicago, 1821-1892), I, 581-2.

23 W. A. Croffut, ed., Fifty Years in Camp and Field. Diary of Major-General Ethan Allen Hitchcock, U.S.A., (New York, 1909), 98-103.

23 J. Fair Hardin, Fort Jesup-Fort Selden—Camp Sabine—Camp Salubrity. Four Forgotten Frontier Army Posts of Western Louisiana. (Reprint from Louisiana Historical Quarterly, 1934), 29.

Caddos when in reality they were a weak and unwarlike tribe, and to have called for an excessive number of volunteers, particularly those mounted who might be used for invasion. Much has been made of the fact that contemplated Indian uprisings never materialized,24 that Santa Anna's threat of sweeping every American beyond the Sabine may never have been made,25 and that internal evidence indicates that there existed no alliance between the Mexicans and Indians.26 Perhaps the most serious accusation was, as Jackson wrote,27 that "the Mexicans have already charged his soldiers with having fought and defeated them at the battle of San Jacinto."28 It, however, has usually only been maintained that the presence of Gaines on the border lent a very substantial moral support to the struggling Texans, and that this potential aid would have been transformed into actual assistance had the situation warranted.

What would have happened in case of a Mexican victory at San Jacinto must, of course, remain one of the ifs of history, and though there is no desire for a defense of the conduct of Gaines, a few points might well be in order here. His actions should always be viewed in the light of his past experience and his avowed policy of real protection to the frontier population regardless of the cost. As a good soldier, he never condoned the practice of depending on the weakness of the enemy in place of one's own strength.

It is true that certain citizens of Nacogdoches and San Augustine had been busy spreading an Indian scare to the East before Gaines' arrival and that he looked for all possible information that would show the Indians to be restless. On the other hand the General constantly used all the devices at hand to procure reliable knowledge. Lieutenant Bonnell was repeatedly sent among the Indians, others were despatched to Indian towns and to the Mexican and Texan armies, and Mexicans, when they could be found, were questioned. In spite of the entreaties of the Texans, Gaines' only operations of April were to move troops to the Sabine, to warn the Indians not to join either of the opposing forces, and to put himself into a position of forestalling any violation of neutrality by either Mexicans or Texans. The Caddos were found, it is true, to be a weak and unwarlike tribe, but as Gaines later pointed out he con-

<sup>24</sup> By Hardin, Rives, Marshall, Barker.

Eugene C. Barker, "Relations Between the United States and Mexico," in Mississippi Valley Historical Review, I, 18.
 Ibid., 25.
 Jackson to Gaines, September 4, 1836, Senate Documents, 24 Cong., 2 Sess., No. 1, 85-86.

<sup>28</sup> Von Holst, op. cit., I, 583.

sidered them dangerous not so much because of their own strength, as for their perfect knowledge of the topography of the country. Because they could easily have led the more western tribes to the cabin of every frontier settler, they were to be feared more as guides than as warriors; in 1838 they were to be troublesome enough on the border to cause an invasion of the United States by Texan forces.<sup>29</sup> The lack of Indian uprisings seems to have come as a result of Texan military success and the knowledge of efficient preparations on the part of the United States army to prevent any infractions of neutrality. Mounted reinforcements would have been desired as an invading force, but to Gaines they were superior regardless of their purpose.

In spite of the question of Santa Anna's intentions, an efficient general should have been prepared for all emergencies. Even though the Mexican government may never have officially contemplated an alliance with the Indians, Gaines was in possession of considerable evidence of the intrigues of Mexican agents among the tribes and of Mexican-Indian alliances, and he knew of the constant Texan efforts to bring about friendship with the Cherokees. The assertion that the army participated at San Jacinto is a ridiculous falsification, for it is certain that Gaines was with his men near the Sabine on April 21, and that he did not hear of the battle until some days later.<sup>30</sup> What General Gaines himself thought of the border situation is well known. Many times later he declared that an almost universal uprising on the southwestern frontier had been frustrated by his requisitions and their publication, the movement of the army to the Sabine, and the splendid victory of San Jacinto.<sup>31</sup>

Although Gaines, expansionist that he was, heartily rejoiced at the Texan victory, and longed to help bring the lone star republic into the Union, he steadfastly refused to guarantee the treaty of Velasco<sup>32</sup> or otherwise violate his own neutral position.

On May 29 the Mexican congress in repudiating the Velasco treaty decided to carry the war once more into Texas. Rumor of the impending invasion by 7000 troops carried quickly, causing the same consternation west of the Sabine as in March and April, and bringing Gaines face to face with an almost identical situation. Again came supplications for help, tales of massacre by United

<sup>20</sup> Beers, op. cit., 158.
20 See Sam Houston Dixon and Louis W. Kemp, The Heroes of San Jacinto, (Houston,

<sup>1932).</sup>S1 Gaines to Poinsett, August 19, 1838, A.G.O., O.R.D.

S2 George L. Rives, The United States and Mexico, 1821-1848, (New York, 1913), 378,

States Indians, and predictions of a general uprising. And for the second time Gaines took every precaution, checked as closely as humanly possible his sources of information, called for more volunteers, and ordered a part of his troops to Nacogdoches. Now he possessed the War Department's permission, lacking in April, to cross the international border.33 This time the Mexican invasion failed to materialize, the Indians remained comparatively quiet, and the American soldiers were finally withdrawn from Nacogdoches, despite pleas of the Texans.

In Washington the actions of Gaines had interesting repercussions which indicate that one more time the general was being used as a pawn in national politics. In the newspapers and in Congress he was caustically attacked and strongly defended, one member of the House being willing to give him the authority to sever Santa Anna's head from his body.34 Stranger yet, an administration which had backed him to the limit in April and May called him to task for exercising authority expressly granted. Even Jackson, whom Gaines had followed in an almost identical situation when Old Hickory had invaded Spanish territory in 1818, and who certainly had been sympathetic with Houston's program, 35 repudiated his actions, saying, concerning the requisition for volunteers, "I have no doubt was intended by Gaines to get troops there who would at once went [sic] over to the Texan army; but I have stopped it in the bud."36 At least two major errors of fact in his letter, of which Jackson should have been well aware, cause one to wonder about the possible connection between the administration's about face and the nearing presidential campaign.

The major unsolved problem in connection with the entire Texas border controversy has been the real purpose behind the requisitions of Gaines—what would he have done in case the Mexican army had been successful at San Jacinto or in its later proposed invasion? This is in the realm of speculation and cannot be answered, but a letter from Brigadier-General Atkinson at Jefferson Barracks to Gaines indicates that all the facts may not be known:

You being authorized . . . to take possession of the disputed territory adjoining Louisiana, and give protection to its inhabitants, will, I have no doubt, save Texas should the Texas army in its weak condition meet with reverses-It could fall

<sup>Cass to Gaines, April 25, 1836, loc. cit.
4 Congressional Debates, XII, Part 3, 3510-3548.
Beers, op. cit., 152.
Jackson to Amos Kendall, August 12, 1836, Correspondence of Andrew Jackson, V, 420-</sup>

behind you, resuscitate, reinforce, and advance and renew the contact, with a prospect of success—The inhabitants of Texas, also by falling back would be shielded by your presence.37

It seems almost impossible to pass a final judgment on Gaines' activities in the spring and summer of 1836. On the one hand, he may simply have involved the United States in a bitter diplomatic dispute with Mexico (almost leading to war), while on the other he may have saved the whole southwestern frontier from a devastating Indian war. His aid to the cause of Texas' independence is problematical. It is certain that Gaines was an efficient and cautious general and that while he may have been over zealous in the performance of his duty, he attempted conscientiously to carry out his orders in the light of his remarkable past experience. Historians have not been kind to him; the one who comes nearest to giving him his just due is Barker, when he says:

While his sympathy for the Texans caused him to exaggerate the danger, it seems . . . that he was sincere in his belief that it did exist, and that his conscious purpose was solely to protect the frontier of the United States from a devastating Indian war.38

Between 1836 and 1845 the continuous stream of both red and white immigrants into Texas made the problem of protection a complicated one, which became more complex because of strained relations between the United States and Mexico. Upon at least one occasion a Texan force crossed the international boundary into United States territory for the purpose of chastizing troublesome Indians.<sup>39</sup> Many of the redmen were driven back into the United States, but with the appearance of Texan forts, disturbances became fewer. Until 1842 the Seminole war drained the man power from garrisons of the frontier though by 1840 there were 1650 stationed in the Southwest.40 More forts were established and treaties were agreed to by the Indians. Gaines' participation in the events of the Southwest lessened as he grew older. In 1841 Arbuckle was replaced by Taylor who commanded the actual frontier until the Mexican war. The next year nine departments were substituted for the Eastern and Western Divisions of the army, but as this had the effect of limiting Gaines' command, the old divisions were superimposed upon the new departments.41 The general re-

Atkinson to Gaines, July 24, 1836, A.G.O., O.R.D., Record Book 106, 142-4.
 Barker, "Relations Between the United States and Mexico," loc. cit., I, 26.

<sup>3</sup>º Beers, op. cit., 158. 4º Ibid., 134. 41 Ibid., 146.

mained in New Orleans, continually bombarding Washington officials with plans for an invasion of Mexico, which he looked upon as inevitable.

Gaines was greatly elated when his dream of seeing Texas enter the Union as a state came true. As early as 1830 he had advised Jackson that the government's official renunciation of Texas had been unconstitutional.<sup>42</sup> In 1838 he had been considered as a possible leader for an invasion to conquer all of Mexico.<sup>43</sup> At the Memphis railroad convention in 1845, the old general had proposed a line to the Mexican border, not, as he said, that he had any other than the most friendly of interests. His reason was that the Mexicans "might have the opportunity of seeing us, loving us, and uniting with us." We may well imagine his chagrin when he saw successful American invasions across the Rio Grande under leadership other than his own. Taylor and Scott were reaping the rewards that Gaines considered rightfully his.

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<sup>43</sup> Gaines to Jackson, March 20, 1830, A.G.O., O.R.D.

 <sup>43</sup> Charles A. Gulick and Katherine Ellot, editors, The Papers of Mirabeau Buonaparts Lamar, (Austin, 1921-1927), II, 292-293.
 44 Nashville Union, November 25, 1845.

# THE FAUBOURGS FORMING THE UPPER SECTION OF THE CITY OF NEW ORLEANS

# By MELONCY C. SONIAT

#### Introduction

The City of New Orleans was founded by Bienville in February 1718, and was laid out into Streets and Squares by de la Tour, Engineer. The earliest plan on record is the one by de Pauger, Engineer, dated May 24, 1724. The boundaries of the City of New Orleans were from the River to Rampart Street, and from Common Street to Esplanade Avenue; these boundaries remaining the same until February 17, 1805, when the City was incorporated by Act of the Legislature of the Territory of Orleans. The boundaries then extended on the River from Ludger Fortier's Plantation (Protection Levee) to the Canal des Pecheurs (Fisherman's Canal) below the U. S. Barracks and in the rear to Lake Pontchartrain.

On September 1, 1812, by act of the Legislature of the State of Louisiana, the limits of the City were restricted so as to extend from the lower line of the Nuns' Plantation belonging to the Ursuline Nuns, now Felicity Street, to the Canal des Pecheurs. At that time the portion of the City of New Orleans, above Canal Street was composed of Five Faubourgs, viz: St. Mary, Delord, Saulet, Lacourse and Annunciation. These Faubourgs had originally consisted of two tracts of land; one known as the "Jesuits' Plantation" which measured 32 arpents front on the Mississippi River, and the other which measured 5 arpents belonging to the Livaudais Family.

The Jesuits had acquired the land composing their plantation at different times. They obtained 20 arpents from Bienville on April 11, 1726, by act before André Chavre, Notary at The Chatelet, Paris; 5 arpents by private act dated January 21, 1728, from Mr. de Noyan, Lieutenant in the service of the King, Attorney-in-Fact for Mr. Bienville; and 7 arpents from Mr. LeBreton on December 2, 1743.

In the year 1763, the Jesuits were expelled from Louisiana, and their plantation, seized by the French Government, was divided into six lots. Lot No. 1 adjoined the City Commons, now Common

Street; it measured 7 arpents front on the River. Lots Nos. 2 to 6, inclusive, measured each 5 arpents front on the River. These Lots were sold on November 24, 1763, to the following parties, viz: Lot No. 1 to Mr. Pradel, Lieutenant in the Navy; Lot No. 2 to Mr. Larrivee, Merchant; Lot No. 3 to Mr. Grenier, Merchant; Lot No. 4 to Mr. Bonrepos, Ex-Infantry Officer; Lot No. 5 to Mr. Saulet, Citizen; and Lot No. 6 to Messrs. Durand freres, Merchants.

Having established the original ownership of the land of these Faubourgs, I will endeavor to give a brief history of their establishment and development.

# FAUBOURG Ste. MARIE or ST. MARY

On April 1, 1778, Bertrand Gravier, husband of Marie J. Delhonde, owner of a plantation immediately above the City of New Orleans, had Laveau Trudeau, Surveyor General of Louisiana, make a plan of part of his plantation, which part measured 17 arpents front on the River, dividing it into Lots and Squares and calling it "Faubourg Sainte Marie". This Faubourg extended from the Chapitoulas Road to St. Charles Street. On May 14, 1796, Mr. Gravier caused a new plan to be made by Trudeau, by which he enlarged said Faubourg extending it to Phillipa, now Dryades, Street.

At the death of Bertrand Gravier which took place in 1797, his brother, Jean Gravier, became the owner of the above plantation. He subsequently extended the Faubourg to Circus Street, now Rampart Street, and finally extended the Faubourg eight squares further back.

At the time that Jean Gravier extended this Faubourg he reserved a strip of land 40 feet wide in the center of Poydras Street, for a Canal. This Canal was to connect with a branch of Bayou St. John which flowed in the neighborhood of Poydras Street on Hagan Avenue. He also reserved a space for a Basin of 180 feet square; adjoining this Basin towards Canal Street was a vacant portion of ground reserved for the public, and named "Place Gravier".

The Canal, Basin and "Place Gravier" were the cause of much litigation between Municipality No. Two (City of New Orleans) and the New Orleans and Carrollton Railroad Company, which had acquired the Canal and Basin, and claimed a portion of "Place

Gravier." The Supreme Court of the State of Louisiana in 1841, decided that the Canal and Basin belonged to the Railroad Company, but that the "Place Gravier" belonged to the City as a Public Place.

"Place Gravier" was afterwards used by the City of New Orleans for commercial purposes; the City leasing the same and allowing buildings to be erected thereon. Baronne Street was opened through "Place Gravier" and the Basin.

In 1876, a creditor of the City named John Klein obtained a judgment against the City of New Orleans in the United States Circuit Court. By reason of this judgment John Klein became the owner of the property fronting on Perdido Street between Baronne and Carroll Streets bounded by Poydras Street. This property was a part of "Place Gravier"; its title finally passed to Philip Werlein. The City of New Orleans in 1897 sued Philip Werlein for possession of said property according to the decision of the Supreme Court rendered in 1841, which had decided that "Place Gravier" was public property. The City won in the Lower and Supreme Courts of the State of Louisiana. Mr. Werlein took the case to the Supreme Court of the United States which decided in his favor, stating that the City of New Orleans had lost its rights to "Place Gravier" as a Public Place and maintained Mr. Werlein in the possession of the property. The Hotel de Soto now occupies this site.

Can we realize that when this Faubourg was established in 1778, vessels and flatboats moored within fifteen feet from the Levee built along Tchoupitoulas Street, at that time called Chapitoulas Road? In the early days of the settlement of New Orleans this Road followed the course of the River leading to the Indian Village of that name situated at about twelve miles above the City.

The space which now separates Tchoupitoulas Street from the River was at one time called the "Batture" and was formed from river deposits after the establishment of Faubourg Sainte Marie. The "Batture" was the cause of long litigation between the City of New Orleans and the owners of the land; the latter claimed the land as riparian owners. This litigation began in the year 1805 in the matter of the suit of Jean Gravier against the Mayor, Aldermen and inhabitants of the City of New Orleans. Judgment was rendered in the Supreme Court of the Territory of Orleans

on May 23, 1805, in favor of Jean Gravier, who afterwards sold part of this batture to Edward Livingston and others. The litigation continued for many years when it was finally compromised by act passed before H. B. Cenas, Notary Public, on June 30, 1857.

Faubourg St. Mary began at Common Street and extended to the line of the property of Madame Delord Sarpy: her property ran in an oblique line between Delord, now Howard Street, and St. Joseph Street at Tchoupitoulas Street.

We still have Gravier Street to commemorate the name of the founder of this Faubourg.

# FAUBOURG DELORD

Marguerite Foucher, widow of Silvestre Delord Sarpy, owner of a plantation measuring seven arpents front on the River and situated immediately above Faubourg St. Mary, had Barthelemy Lafon, Surveyor General, make a plan of part of her plantation on February 6, 1806, subdividing the same into squares and lots. This subdivision was called "Faubourg Delord" and was to be a continuation of Faubourg St. Mary.

Mrs. Delord Sarpy on June 6, 1807, sold her plantation to Armand Duplantier; he caused a new plan to be made by Barthelemy Lafon on July 18, 1807; the Faubourg was enlarged and was called Faubourg Duplantier.

Armand Duplantier became insolvent in 1814; and the Syndic made a retrocession of the plantation to Madame Delord Sarpy and the original name of Faubourg Delord was retained.

The ownership of the Batture in front of this Faubourg and that of Faubourg Saulet was the cause of prolonged litigations between the City of New Orleans and the riparian owners; the principal suit was Municipality No. Two vs. Orleans Cotton Press, in which the Supreme Court in 1841 decided in favor of the riparian owners.

Lee Circle, formerly called Tivoli Circle, named after a town in Italy not far from Rome, was also the cause of litigation between the heirs of Madame Delord Sarpy and Municipality No. Two. The Municipality claimed the Circle as Public property. In the suit of Louise Delord Sarpy, wife of D. F. Burthe, vs. Municipality No. Two, reported in the Ninth Annual Reports (1854), the Su-

preme Court decided that Lee Circle was a public place. At that time the New Orleans and Carrollton Railroad Company ran its steam cars on Nayades Street, now St. Charles Avenue, from Tivoli Circle to Carrollton.

Faubourg Delord began at Faubourg St. Mary and extended to the lower line of the plantation of Thomas Saulet.

#### FAUBOURG SAULET

Thomas Saulet owner of a plantation measuring Five arpents front on the Mississippi River, and situated above that of Madame Delord Sarpy, caused a plan to be made by Barthelemy Lafon, Surveyor General, on September 12, 1810, subdividing the plantation. The subdivision was named "Faubourg Saulet". It was a continuation of Faubourg St. Mary and Faubourg Delord. It began on a line running in an oblique direction through the square between Erato and Thalia Streets and extended to the line of Faubourg Lacourse said line running between Terpsichore and Robin streets.

Mr. Saulet had acquired the property at the seizure and sale of the Jesuits' plantation in 1763.

The old Colonial home of the Saulet Family, built over a hundred years ago, on Annunciation Street between Melpomene and Thalia streets is still in existence. Strange to say, in 1923 Mrs. Leona Saulet (widow of Leonce M. Soniat) a great-grand-daughter of Thomas Saulet, acquired the old home and donated it to the Roman Catholic Sisters of Mercy for a Hospital in memory of her deceased husband.

#### FAUBOURG LACOURSE AND ANNUNCIATION

Jacques Francois Enoul Livaudais owner of a plantation measuring about ten arpents on the Mississippi River, situated above that of Thomas Saulet, sold on May 12, 1807, to Robin Delogny that half of his property which adjoined the plantation of Thomas Saulet. In the same year Messrs. Delogny and Livaudais had Barthelemy Lafon, Surveyor General, lay out their plantations into lots and squares. Mr. Delogny called his subdivision "Faubourg Lacourse" and Mr. Livaudais called his, "Faubourg Annunciation". The former began on an oblique line running through the Square between Terpsichore and Robin streets and extended to a line

running through the Square between Orange and Richard streets. The latter extended from Faubourg Lacourse to the lower line of Faubourg Nuns, or Felicity Street.

Tradition has it that Mr. Livaudais, Attorney-in-fact of the Ursuline Nuns, owners of the plantation immediately above his, being of a religious disposition named his Faubourg "Annunciation", while Robin Delogny who was fond of the races named his Faubourg "Lacourse" (Race). Robin Street, no doubt, is named after Robin Delogny.

When the original plan of these Faubourgs was drawn up, there was a Square designated on same as "Place de l'Annunciation" (Annunciation Square), in the center of which was an "Islet" or Square showing the ground plan of a building of vast dimensions, marked "Eglise de l'Annunciation." The line dividing these Faubourgs ran diagonally through the square and islet.

The heirs of Delogny and Livaudais attempted to reclaim and sell the Islet in the center of Place de l'Annunciation. The owners of the property facing the Square instituted suit to prevent the sale of same, claiming it to be public property for the reason that it had been left open and used by the public for more than forty years. Nevertheless, the Supreme Court of Louisiana in 1852 decided in favor of the heirs of Delogny and Livaudais. A plan of Place de l'Annunciation and of the Islet is to be found at page 500 of the Seventh Louisiana Annuals. By judgment of the Fourth District Court rendered June 1, 1853, the City of New Orleans was authorized to take the aforesaid portion of Annunciation Square and to appropriate the same to Public use; this portion of ground was appraised at \$25,000.

The City of New Orleans purchased from the heirs of Livaudais and Delogny that portion forming the center of Annunciation Square, as per act of sale executed before William Monaghan, Notary Public, on April 6, 1854; registered in Conveyance Office Book 66, Folio 65, thereby carrying out the mandate of the Fourth District Court.

Having given a brief history of these Faubourgs, I will revert to the City of New Orleans.

On March 6, 1818, by Act of the Legislature, the upper boundary of the City of New Orleans was extended to the lower limit

of Miss Jeanne Macarty's plantation which ran between Foucher and Antonine streets. The lower boundary, Canal des Pecheurs, remained intact.

By an Act of the Legislature dated April 1, 1833, the Faubourgs "Nuns", "Lafayette" and "Livaudais" were separated from the City of New Orleans and formed into a distinct corporation called the "CITY of LAFAYETTE", thereby narrowing the limits of New Orleans. Felicity Street was made the upper, and Canal des Pecheurs the lower boundary.

On March 8, 1836, the Legislature passed an Act amending the Act of Incorporation of the City of New Orleans of February 17, 1805, and dividing the City into three Municipalities. The first Municipality extended from Canal to Esplanade Avenue; the second from Canal to Felicity Street; and the third from Esplanade Avenue to Canal des Pecheurs. Each municipality possessed distinct municipal powers and was a separate corporation. This plan of government continued until February 23, 1852, when by Act of the Legislature the City was again consolidated into one government, the boundaries remaining the same.

# CITY OF LAFAYETTE

The "City of Lafayette" was incorporated by act of the Legislature on April 1, 1833; it was bounded above by Harmony Street, below by Felicity Street and was composed of three Faubourgs, viz: Nuns, Lafayette and Livaudais.

On March 18, 1835, the Legislature passed a supplementary act by which it extended the Charter of the City of Lafayette to January 1, 1840. On February 13, 1840, the Legislature passed another act by which the City of Lafayette was to have perpetual succession.

Faubourg Delassize, situated in the Parish of Jefferson, was annexed to the City of Lafayette by act of the Legislature on March 21, 1844.

By Act of the Legislature dated April 29, 1846, the City of Lafayette was re-incorporated so as to include Faubourgs Nuns, Lafayette, Livaudais and Delassize. The City was bounded above by the Parish of Jefferson, Toledano Street, and below by the City of New Orleans, Felicity Street.

I will give a brief history of the Faubourgs of the City of Lafayette.

#### FAUBOURG NUNS

The religious order of the "Dames des Ursulines", owners of a plantation above Faubourg Annunciation, caused a plan to be made by Barthelemy Lafon, Surveyor, on September 18, 1810, subdividing their plantation into lots and squares. The subdivision was called "Faubourg Religieuses" (Faubourg Nuns). It was bounded above by St. Andrew Street and below by Felicity Street.

The Ursuline Nuns, owners of this plantation, came to Louisiana in 1727. At first they occupied Bienville's house in New Orleans. Tradition has it that as soon as proper buildings were erected on their plantation, the Nuns occupied them until the year 1734 when their Convent on Chartres Street, between Ursuline and Hospital streets, was completed. This old building is still in existence. The Nuns continued to make use of the plantation as a farm until its subdivision in 1810.

In connection with the title of this property, I may mention the decision of our Supreme Court in 1812, noted in Martin's Reports, Vol. 2, page 269, whereby the heirs of Jacob sued the Nuns for a part of their plantation measuring two arpents front. The plaintiffs averred that their father, a free man of color, acted as overseer on the Nun's plantation from 1796 until his death in 1811; that in 1801, the Superioress of the Convent made a donation to him of said two arpents for his services; that the Nuns afterwards sold said property and that the purchaser had driven him off. This donation was declared by the Court, of no effect, not having been made in accordance with the rules and regulations of the Order. A donation to be valid required the sanction of the Superioress, or of an Ordinary or Bishop. Moreover, Article 13 of the Order read: "The superior nun shall not give by her sole authority more than 20 sous in alms or gifts, neither shall she do this often."

#### FAUBOURG LAFAYETTE

John Poultney acquired from Madame Rousseau on May 2, 1818, by act before M. de Armas, Notary, a plantation measuring Ten Arpents front on the Mississippi River, bounded above by the lower line of the property of Jacques Francois Enoul de Livaudais, and running through the squares between Soraparu and First streets at Tchoupitoulas street; the property was bounded below by St. Andrew street.

John Poultney caused a plan to be made by Joseph Pilie, Surveyor, dated March 2, 1824, by which he subdivided his plantation into lots and squares. The subdivision was called "Faubourg Lafayette."

#### FAUBOURG LIVAUDAIS

Marie Celeste Marigny, wife of Jacques Francois Enoul de Livaudais, sold her plantation measuring Sixteen Arpents front on the River, to Matthew Morgan, Samuel Jarvis Peters, Levi Pierce and William Henry Chase, by act passed before Louis T. Caire, Notary, on February 24, 1832. The purchasers on March 5, 1832, had Benjamin Buisson, Surveyor of Jefferson Parish, subdivide the property; they then called it "Faubourg Livaudais." It was bounded above by Harmony Street and below by Faubourg Lafayette.

#### FAUBOURG DELASSIZE

The heirs of Valery Delassize sold to Samuel Herman a small plantation measuring Three arpents front on the River, by act passed before Felix Grima, Notary, on March 16, 1836. Samuel Herman caused a plan to be made by Benjamin Buisson, Surveyor of Jefferson Parish, on April 26, 1836, by which his plantation was subdivided; the subdivision was called "Faubourg Delassize." It was bounded above by Faubourg Plaisance (Toledano Street) and below by Faubourg Livaudais (Harmony Street).

The City of New Orleans, wishing to enlarge itself, absorbed the City of Lafayette. This was done by Act of the Legislature dated February 23, 1852, and this addition became the Fourth District.

The upper boundary of the City of New Orleans was Toledano Street and the lower, Fishermen's Canal.

I will now say a few words about a forgotten town, which was established in the year 1846 above the City of Lafayette; it was named "Borough of Free Port" and afterwards became the City of Jefferson.

#### BOROUGH OF FREE PORT

The "Borough of Free Port" was incorporated by act of the Legislature on May 27, 1846; it was bounded below by the City of Lafayette, Toledano Street, and above by the upper limit of Bloomingdale, running through the squares between State and Webster streets.

The Borough was divided into two wards: Ward No. 1 embraced all the territory within the lower line of Faubourg Plaisance (Toledano Street) and the lower line of Faubourg Bouligny (General Taylor Street); Ward No. 2 embraced all the territory lying between the lower limit of Faubourg Bouligny and the upper limit of Bloomingdale.

By act of the Legislature dated May 1, 1847, the limits of the Borough of Free Port were changed, making the City of Lafayette the lower boundary and the lower limit of Hurstville (Joseph Street) the upper boundary. The number of wards was increased to four. Ward No. 1 embraced all the territory between the lower line of Faubourg Plaisance and the lower line of the plantation of Madame Delachaise; Ward No. 2 was bounded by the plantation of Madame Delachaise and a line running through the middle of Napoleon Avenue; Ward No. 3 was bounded by Napoleon Avenue and the lower limit of the plantation of Widow Robert Avart; and Ward No. 4 was bounded by the lower line of the plantation of Widow Robert Avart and the lower line of Hurstville. The reason I give the limits of these Wards, is that it might be of interest to recall the names of some of the owners of the different plantations and Faubourgs which were included in the limits of the Borough of Free Port.

On March 16, 1850, the Legislature repealed the act of incorporation and the amending act of the Borough of Free Port; this was done after the City of Jefferson had been incorporated, March 9, 1850.

#### CITY OF JEFFERSON

Two years before the consolidation of the City of New Orleans with the City of Lafayette, the "City of Jefferson" was incorporated by act of the Legislature on March 9, 1850. The City of Jefferson was bounded below by the City of Lafayette (Toledano Street) and above by the upper line of Rickerville (Joseph Street); it was composed of the following Faubourgs, viz: Plaisance, Delachaise, St. Joseph, East and West Bouligny, Avart and Rickerville. A few words relative to these Faubourgs may be of interest.

#### FAUBOURG PLAISANCE

Joseph Wiltz, owner of a plantation, measuring about four arpents front on the Mississippi, which he had acquired by act before P. Pedesclaux, Notary, on October 18, 1800, had H. Laclotte,

Surveyor, on June 22, 1807, make a plan of part of his plantation subdividing the same into forty-two lots, in the center of which was a Street named "Grande Course Wiltz" (now Louisiana Avenue). The owner named his subdivision "Faubourg Plaisance."

At the time Mr. Wiltz sold these lots, he abandoned in perpetuity in favor of the various purchasers of said lots, the space between the front lots and the Public Road, the pasture and the cypress swamp in the rear which were to be enjoyed by them in common, with the sole condition that the purchasers should send in the common pasture only three head of animals for each lot and should cut wood in the swamps for their private use and not for sale.

On January 30, 1838, by act before Francois Joseph Enoul Dugue Livaudais, Judge and ex-officio Notary of Jefferson Parish, the proprietors of these lots made a partition of the front, batture and rear of the tract.

The heirs of Joseph Wiltz sued the owners of the lots, and claimed the front, batture and rear. The Supreme Court in the case of Arnauld vs. Delachaise (rendered in 1849) decided that the property belonged to the owners of the lots for the reason that Joseph Wiltz at the time that he had sold the same had abandoned in perpetuity to the purchasers of said lots, the front, the batture and the rear.

Faubourg Plaisance was bounded below by the Plantation of Jacques Francois Enoul de Livaudais (which boundary is now Toledano Street) and above by the Plantation of Philippe Pierre August Delachaise (now Delachaise Street).

# FAUBOURG DELACHAISE

The heirs of Philippe Pierre August Delachaise in 1855, subdivided their plantation, which measured seven and a half arpents front on the River into lots and squares, and called it "Faubourg Delachaise." The Faubourg extended from Delachaise Street to Amelia Street. This plantation had been acquired by Philippe Pierre August Delachaise as follows:

1. An undivided half of 2 arpents and 30 feet from Walter Byrnes by act before M. de Armas, Notary Public, on July 22, 1820; the other undivided half from Francois Xavier Martin by act passed before G. H. Stringer, Notary Public, on May 18, 1822.

- 2. Two arpents and thirty feet from the Syndic of Joseph Laurent Wiltz, by act before M. Lafitte, Notary Public, on October 6, 1823.
- 3. Two and a half arpents from Jean Baptist Francois Le Breton by act before C. Pollock, Notary Public, on February 14, 1831. This property at one time had been owned by Miss Jeanne Macarty, and in 1818, its lower limit formed the upper boundary of the City of New Orleans.

We have Delachaise Street to commemorate the name of the founders of this Faubourg; Aline Street, named after Aline Delachaise, wife of Francois Enoul Dugue de Livaudais; Foucher Street, named in honor of the Foucher family; and Antonine Street, named after Marie Antonine Foucher, wife of Philippe August Delachaise.

# FAUBOURG ST. JOSEPH

Claude Augustine Eugenie Delachaise, widow of Louis Robert Avart, owner of a small plantation measuring three arpents front on the River, above the one owned by Philippe Pierre August Delachaise, caused the property to be subdivided into lots and squares as per plan made by Benjamin Buisson, Surveyor, dated March 1, 1849. Mrs. Avart called this subdivision "Faubourg St. Joseph." It was bounded below by Amelia Street and above by General Taylor Street.

Mrs. Avart had adopted Amelia Duplantier, who married Dr. Thomas Peniston. This explains the reason why we have Amelia Street, named after the adopted daughter, and Peniston Street, named after Dr. Peniston.

#### EAST and WEST BOULIGNY

Louis Bouligny, husband of Virginie Dautrive, owner of a plantation called "Cottage" measuring twenty-three and a half arpents front on the River, situated above that of Widow Louis Robert Avart, had acquired his property from Wade Hampton as per act of sale passed before H. de Armas, Notary Public, on March 16, 1816. Mr. Bouligny sold the lower part of said plantation to Samuel Kohn and Laurent Millaudon by act passed before Louis T. Caire, Notary Public, on April 19, 1831. The purchasers and Louis Bouligny on April 18, 1834, had Charles Zimple, Surveyor, draw up a plan subdividing the plantation. The subdivision was named

"Faubourg Bouligny;" it was divided into two parts, East and West Bouligny, the two being separated by Napoleon Avenue. Faubourg Bouligny was bounded below by General Taylor Street, and above by the plantation of Francois Robert Avart, Upperline Street.

#### FAUBOURG AVART

Francois Robert Avart, husband of Amelie Delassize, owner of a plantation situated above Faubourg Bouligny and measuring eight arpents front on the River, had acquired the property from his mother, Julie Allain, widow of Valentin Robert Avart, by act before M. de Armas, Notary Public, on March 15, 1815. Mr. Avart had a plan made by H. Maulhauser, Surveyor, dated October 26, 1841, whereby he subdivided his plantation and called it "Faubourg Avart." Its boundaries were Upperline Street on the lower side and Valmont Street on the upper.

Valentin Robert Avart, father of Francois Robert Avart, who died in 1805, was at that time the owner of a very large plantation measuring 38 arpents front on the River by 40 arpents in depth. It began at Valmont Street and extended to a line running between Antonine and Foucher streets.

Valmont Soniat du Fossat, who had married Almais Avart, daughter of Francois Robert Avart, must have had great influence with his father-in-law, for when the Faubourg was laid out, nearly all of the streets were named after him, with the exception of the first, Robert, named after Robert Avart; then came, Soniat, Dufossat, Belcastel (named after a branch of the Soniat family in France) and Valmont streets.

#### RICKERVILLE

The City Bank of New Orleans, owner of 5/10; Christian Roselius, William C. Micou and John M. Bach, owners of 1/10; Samuel Ricker, Jr., owner of 2/10; Eliza Celestine Leontine Ricker and Eliza Clemence Octavia Ricker, owners of 1/10; and the minor, Samuel Ricker, owner of 1/10 of a tract of land above Faubourg Avart, measuring eight arpents front on the River, caused the same to be divided into lots and squares by Benjamin Buisson and W. T. Thompson, Surveyors, on March 23, 1849, and called the same "Rickerville," after Samuel Ricker, one of the part owners.

This tract of land was bounded on the lower side by Valmont Street and on the upper side by Joseph Street.

Leontine and Octavia streets were named, no doubt, after Leontine and Octavia Ricker.

Having given a brief history of the Faubourgs that composed the City of Jefferson, I will proceed with those above said City, which were afterward annexed to the City of New Orleans.

#### HURSTVILLE

Cornelius Hurst, husband of Eleonore Smith, owner of a plantation situated above Rickerville and measuring about seven arpents front on the Mississippi River, which he had acquired from Julie Avart by act of partition passed before C. Pollock, Notary Public, on February 8, 1832, caused a plan of the property to be made by Benjamin Buisson, Surveyor, on March 17, 1837, whereby the owner subdivided his estate into lots and squares and called it "Hurstville." It was bounded below by Joseph Street and above by the line of Bloomingdale, running through the squares between Eleonore and State streets. Hurst Street was named after Cornelius Hurst; Eleonore Street was named after his wife, Eleonore Smith; Arabella Street after their daughter; and Joseph Street after their son.

At the time this Faubourg was laid out, Cornelius Hurst, in order to give greater value to his estate, endeavored to have the New Orleans and Nashville Railroad Company, which had been incorporated in 1835, locate in said Faubourg. The plan, when the property was offered for sale, showed the projected railroad running through Nashville Avenue and two car houses in the middle of said Avenue; one located between Patton and Constance streets and the other, between Saratoga and Franklin streets. This explains the reason why Nashville Avenue is wider at said two localities. The Railroad failed and the project was never carried out. Nashville Avenue was so named on account of the proposed railroad running through said Street.

#### BLOOMINGDALE

John Green, on May 4, 1834, acquired from Julie Avart as per act passed before Felix de Armas, Notary Public, a property, situated above that of Cornelius Hurst, measuring about three arpents front on the River. The new owner, had a plan made by Benjamin Buisson, Surveyor, dated November 12, 1836, subdividing the plantation. The subdivision was named "Bloomingdale." It was

bounded below by the line of Hurstville, running through the squares between Eleonore and State streets, and above by the line of Burtheville, running through the Squares between State and Webster streets.

# BURTHEVILLE

Dominique Francois Burthe, owner of the plantation situated above that of Julie Robert Avart and measuring eight arpents front on the River, had acquired his estate from Bernard Marigny by act passed before Felix de Armas, Notary Public, on June 3, 1831. Mr. Burthe had a plan made by Numegger, Surveyor, on January 24, 1854, subdividing his property. The subdivision was called "Burtheville." It was bounded below by the line of the property of Julie Robert Avart which ran through the squares between State and Webster streets, and above by the property of Louis Frederick Foucher, Marquis de Circe, now Audubon Park.

The land of which Hurstville, Bloomingdale and Burtheville were composed, formed the greater portion of the plantation formerly owned by Jean Etienne de Boré. Mr. de Boré was the first person profitably to make sugar in Louisiana from sugar cane, and this was done, no doubt, on his plantation.

The property at the corner of Henry Clay Avenue and Tchoupitoulas Street, where the Marine Hospital is located, was at one time owned by Polycarpe Fortier, father of my wife, Exilee Fortier. Mr. Fortier established a brick-yard on his estate and operated the same until the Federal Troops took possession of his property, during the Civil War. Mr. Fortier had acquired the property from the heirs of Dominique Francois Burthe by act of sale before Selim Magner, Notary, on June 1, 1857, with the exclusive use of a space of twenty-five feet wide in the middle of Henry Clay Avenue. A branch railroad was constructed on this tract of land to connect the brick-yard with the Carrollton Railroad. The old home of the Fortiers is still in existence and is now occupied by one of the surgeons of the Marine Hospital.

#### AUDUBON PARK

Audubon Park measures 12½ arpents front on the Mississippi River; it is composed of two portions of ground which Pierre Foucher and his wife, Francoise Elizabeth de Boré, had acquired as follows: The upper ten and a half arpents from Jacques Fon-

tenet on November 18, 1792, by act passed before Pierre Pedesclaux, Notary Public; and the lower two arpents from Charles E. Gayarré on April 23, 1825, by act passed before Hugues Lavergne, Notary Public.

Pierre Foucher died on September 13, 1832, and left the above mentioned property to Louis Frederick Foucher and Antonine Foucher, wife of Philippe Delachaise. Louis Frederick Foucher, Marquis de Circe, became the owner of the entire property by act of partition passed before Theodore Seghers, Notary Public, on April 2, 1834.

The front part of the Foucher property between the River and St. Charles Avenue finally passed to the City of New Orleans as per act passed before M. L. Ainsworth, Notary Public, on August 15, 1871. The City of New Orleans purchased this property for the purpose of establishing a park, which was at first called "City Park", but the name was later changed to "Audubon Park."

The rear part of the Foucher property, from St. Charles Avenue back, is now occupied by Loyola University, Tulane University and Audubon Place.

It is contended by many that the site as now occupied by Audubon Park was the plantation of Jean Etienne de Boré. This is erroneous, because in examining the title of Audubon Park we find that the upper 10½ arpents formed the lower portion of the plantation which originally measured 18 arpents and belonged to Jacques Bellaire. (The remaining eight arpents of the Bellaire plantation now form that part of New Orleans which lies between the Park and Lowerline Street.) We also find that the two arpents constituting the lower part of Audubon Park, formed the upper portion of the plantation which originally belonged to Jean Etienne de Boré and which measured 20 arpents on the River. The remaining eighteen arpents of the Boré plantation now comprise the section between Audubon Park and Joseph Street.

### GREENVILLE and FRIEBURG

On the 27th of February, 1836, James Ogilvie, Oliver Aiken and John Green entered into an agreement, by private act, in which it was set forth that James Ogilvie had that day purchased a plantation from Louis Frederick Foucher and Marguerite Felicie Burthe, his wife, by act passed before Theodore Seghers, Notary

Public. The title of the plantation had been placed in Ogilvie's name as a matter of convenience. It was also set forth that the profits to be derived from the sale of the plantation were to be divided among the parties to the said agreement. James Ogilvie caused a plan of the front part of the plantation to be made by Benjamin Buisson, Surveyor, dated April 16, 1836, whereby the estate was subdivided. The subdivision was called "Greenville", no doubt, after John Green, one of the partners. It was bounded below by the property of Mr. Foucher, now Audubon Park, and above by Carrollton, Lowerline Street, in front by the River and in the rear by Third, now Elm Street.

The rear of the plantation beyond Third Street was at a later date laid out into lots and squares and was called "Frieburg."

Having given a brief history of the Faubourgs that composed the City of Jefferson and of those immediately above, I will revert to the City of New Orleans.

In the year 1870, the City of New Orleans wishing again to extend its limits, had the legislature pass an act on March 16, 1870, whereby the City of New Orleans and the City of Jefferson were consolidated, and all the territory between the City of Jefferson and the City of Carrollton was also annexed to the City of New Orleans. The part so annexed was called the "Sixth District."

Again, in the year 1874, the City of New Orleans, wishing to expand itself had the Legislature pass an act on March 23, 1874, whereby a portion of the City of Carrollton was annexed to the City of New Orleans; and the portion so annexed was called the "Seventh District." The limits of the City of New Orleans were then: below, Fishermen's Canal, and above, Upperline Street, or Protection Levee, and the line of the old Carrollton Railroad running to Lake Pontchartrain.

#### CITY OF CARROLLTON

The "City of Carrollton" occupied the site of the plantation which had been acquired by Barthelemy Macarty from Louis Cesaire LeBreton on January 21, 1781; it measured 32 arpents front on the Mississippi River.

The New Orleans Canal and Banking Company had acquired the undivided half of said Macarty's plantation from Mrs. Eleonore Macarty, wife of Charles Barthelemy Lanusse, by act passed before Greensbury R. Stringer, Notary Public, on December 19, 1831; Laurent Millaudon had acquired the 4/20 and John Slidell the 1/20 from Bernard Marigny as per act passed before Louis T. Caire, Notary Public, on September 2, 1831; and Samuel Kohn had acquired the 1/4 from Benjamin Macarty as per act passed before Louis T. Caire, Notary, on April 30, 1831.

In the year 1833, the New Orleans Canal and Banking Company, Laurent Millaudon, John Slidell and Samuel Kohn caused a plan of said plantation to be made by Charles Zimpel, Surveyor, on April 16, 1833, by which they divided the property into lots and squares and called it "Carrollton", after William Carroll. The latter, a general under Andrew Jackson, took part in the Battle of New Orleans on January 8, 1815; he was afterwards elected Governor of Tennessee.

The Town of Carrollton was given legal existence when it was incorporated by act of the Legislature on March 10, 1845. It became the City of Carrollton by act of Incorporation passed by the Legislature on March 17, 1859. Its limits were: on the lower side, Lowerline Street, and on the upper side, Upperline Street, or Protection Levee; the whole as shown on the original plan of Carrollton made by C. F. Zimpel, Surveyor, dated April 16, 1833, deposited in the office of G. R. Stringer, Notary Public.

By act of the Legislature dated February 12, 1872, the City of Carrollton was expanded so as to begin at the upper limit of the City of New Orleans, Lowerline Street, and to extend to Labarre Road in Jefferson Parish. Not many are aware of the fact that at one time all the territory between Protection Levee and Labarre Road formed part of the City of Carrollton.

The City of Carrollton during the height of its glory before the Civil War, boasted of its fine hotel and garden which were situated on the river side of the New Orleans and Carrollton Railroad Company's station; and which were bounded by St. Charles and Carrollton avenues, Madison and Levee streets. The depot surpassed any of those in the City of New Orleans. The Hotel and Garden were considered as a summer resort by the people of New Orleans, who would go there and spend the afternoon and who, while enjoying the music which was furnished by some of the most celebrated bands of those days, would either sip a mint julep or drink a glass of cold beer. This was during the good old days before prohibition. Or, perhaps, they would stroll through the garden and admire the

rare plants and flowers for which the place was noted. This Hotel and garden existed even after the annexation of Carrollton to the City of New Orleans. The Hotel, depot and garden have long since disappeared owing to the encroachments of the River and the Public Belt Railroad.

Among other things that the City of Carrollton was proud of, was the steam railroad called the "New Orleans and Carrollton Railroad Company" which connected the City of New Orleans with Carrollton. It was chartered by act of the Legislature on February 9, 1833. The railroad began at Lee Circle, then called Tivoli Circle, and ran through Nayades Street (St. Charles Avenue) to the termination of said Street in Faubourg Livaudais, and from there through the several plantations, which had not as yet been opened up into subdivisions, to First Street (St. Charles Avenue) in Carrollton, which had just been laid out as a suburb. At the different Faubourgs were small railway stations. The important ones were: Greenville at Broadway, Burtheville at Henry Clay Avenue, Bouligny at Napoleon Avenue, Jefferson City at Louisiana Avenue and City of Lafayette at Jackson Avenue.

On April 6, 1853, by an act of the Legislature, the Railroad Company was authorized to run its trains up to the corner of Baronne and Poydras streets; from there horse cars would continue the journey to Canal Street. The Act provided that within the limits of the City of New Orleans neither the steam cars nor the horse cars should run at a higher rate than four miles per hour. One could walk almost as fast, and can we imagine either riding or driving at the rate of four miles an hour within the limits of the City of New Orleans at the present time of rapid transit, when 25 miles an hour is considered slow?

The City of Carrollton also boasted of another railroad called the "Jefferson and Lake Pontchartrain Railroad Company" which was incorporated in 1840, by act of the Legislature. This Railroad was operated only in Jefferson Parish from Carrollton to Lake Pontchartrain; it ran its cars along Levee Street to Protection Levee, thence to Lake Pontchartrain in the neighborhood of Buck Town, where the Company had its wharves. There the Steamers from across the Lake and even those from Mobile would come and dock. This road was finally absorbed by the Carrollton Railroad.

From the foregoing account we see that part of the City of New Orleans, which is above Canal Street, was formed of three Cities, namely: City of Lafayette, City of Jefferson and City of Carrollton; and these Cities were composed of twenty-one Faubourgs, namely:

	0~,				
	1.	St. Mary	Established	April	1, 1778
		Delord	"	February	6, 1806
the etc.	3.	Saulet	"	September	12, 1810
	4.	Lacourse	"		1807
	5.	Annunciation	"		1807
	6.	Nuns		September	18, 1810
1.4		Lafayette	"	March	2, 1818
	8.	Livaudais		March	5, 1832
3 10 12	9.	Delassize	"	March	16, 1836
Lacure.	10.	Plaisance	"	June	22, 1807
	11.	Delachaise		as variety.	1855
	12.	St. Joseph	. "	March	1, 1849
15 105	13.	East and West Bouligny		April	18, 1834
	14.	Avart	"	October	26, 1841
11	15.	Rickerville		March	23, 1849
	16.	Hurstville	"	March	17, 1837
	17.	Bloomingdale	"	November	12, 1836
	18.	Burtheville	44	January	24, 1854
		Audubon Park	"	August	15, 1871
	20.	Greenville	"	April	15, 1836
	21.	Frieburg	. "		

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# RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA LXX.

August-December, 1748.
(Continued from October, 1936, Quarterly)

By HELOISE H. CRUZAT Marginal Notes by Henry P. Dart (Revised by Walter Prichard)

# By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

De Vaudreuil, Pierre Rigaud Cavagnol, Governor

D'Auberville, Vincent, Commissioner of the Marine, Intendant, and First Councillor

Fleuriau, Francois, Procureur General

Raguet, Jean Baptiste, Councillor, also acting Procureur General (in absence of Fleuriau)

Lafreniere, Nicolas Chauvin de, Councillor

Le Bretton, Louis Cesaire, Councillor Assessor

De la Lande d'Apremont, Charles, Councillor Assessor Kernion, Jean Francois Huchet de, Councillor Assessor De Noyan, Gilles Augustin Payen, Lieutenant of the King

Henry, Nicolas, Clerk of the Superior Council and Notary Chantalou, Augustin, Sheriff

Lenormand, Marin, Deputy Sheriff

Membrède, Chevalier de, Town Major of New Orleans

Prevost, Jean Baptiste, Agent of the Company of the Indies Barbin, Nicolas Godefroy, At-

torney for Vacant Estates
Devezin, Pierre Olivier, Surveyor of the King's Highways

Garic, Jean Baptiste, Attorney Saint Jean, Chief Surgeon at Mobile

August 1, 1748.

Petition of Jean Baptiste Garic, acting for Albert de Beaune, stating that Sr. de Beaune has been condemned to render account before fore Councillor Kernion vs. M. Tixerrant,

who contends that the community of Arlut has subsisted until this date, which the Court will decide, after some explanations. The first husband of Madam Arlut died at Biloxi. Sr. Tixerrant went there and advised the widow to make an inventory, to secure the little remaining to the minors; M. Lasalle, who was Guardian of the King's store, proceeded to the inven-

tory, which was signed in the presence of M. and Mme. Tixerrant. The tribunal of justice was already in New Orleans, but it sufficed that the widow wished to dissolve the community; the inventory was sufficient for that, and it would be an injustice to have to continue the community, on account of the incapacity of those who exercised the public functions. M. Tixerrant is right when he maintains that an inventory to be valid must be made in the presence of a Notary, in default of a Judge; and when there is neither judge nor notary, Equity must triumph and the rule of law drawn from Book 3rd of the Digest. It can be added that the Minister has promised to send an edict for this Colony, authorizing and making valid all acts previously made against the dispositions of law and custom, since the Court has recognized their utility and that it is willing to derogate from the most solid principles and to the dispositions and customs; wherefore the petitioner, in his capacity, concludes that this question of the inventory must invalidate, being a preliminary from which depends the affair under judgment.

Order to communicate.

August 3, 1748. To be communicated to M. Raguet, Procureur General. Signed: D'Auberville.

August 3. 7 pp.

Session of the Superior

Session of the Superior Council, where were present MM. D'Auberville, Commissioner of the Marine, Ordonnateur, and First Councillor in the Suprior Council; de Membrede, Major; Delafreniere, Councillor; Le

Bretton, Delalande and Kernion, Councillors Assessors, Judgments rendered in the following cases:

Layssard Bros. vs. succession of deceased Paul Ras-

1, Jean Baptiste and Estienne Layssard, brothers, merchants of Louisiana, plaintiffs, vs. Sr. Augustin Chantalou, as Curator appointed for the succession of de-

ceased Sr. Paul Rasteau, when living a merchant of New Orleans, defendant: Seen by the Council the petition of Layssard Bros., under procuration of Jean Vivier, merchant of La Rochelle, for payment of 11 livres, 8 sols, Council orders to attach funds owned by said Rasteau in this Colony, to seize them in the hands of Sr. Chantalou, succession to pay interest and costs.

(Continuation of case of Layssard Bros. vs. Rasteau.) Seen the procuration passed before M. Chameau, legalized by M. Renoudin, Lieutenant General of La Rochelle, the Council has given certificate to Layssard Bros., as plaintiffs, and in consequence orders Sr. Chantalou, to communicate account of Sr. Paul Rasteau and to produce the vouchers, and condemns the succession to bear costs.

Layssard Bros. vs. Louis
Langlois, as tutor.

2. Layssard Bros., plaintiffs, vs. Louis
Langlois, as tutor of Langlois minors, defendant: Seen the petition presented by
Layssard Bros., and conclusions that Louis Langlois be condemned to pay the sum of 340 livres, 3 deniers, due by deceased Widow Gervais, on several accounts, settled by Srs. Olivier and Lesassier, appointed by the creditors of said succession,
as per act of deposit in the Registry of last January 22nd, on
returns of effects of succession. The Council rendered judgment
in default against Langlois for non-appearance, and ordered
him to be cited again at the next session. Costs pending.

3. Pierre Maniau (elsewhere "Moniot"), husband of Francoise Livet, plaintiff, vs.

Jacques Livet, defendant: Seen the petition, act of last July 12th or 13th, concluding that Francoise be condemned to render account and pay the share and portion reverting to him from succession of Leonard, who was the mother of Moniot's wife. Council has turned over the case to Councillor Delalande, before whom account will be rendered, and shall be ordered what shall appertain. Costs pending.

4. Francois Héry called Duplanty, plaintiff, vs. Jacques Larche, defendant: Seen the petition presented by Duplanty, Council orders that Jacques Larche be condemned to pay 710 livres, on one part, as carried in his note, and 25 livres on another note of last June, and to bear costs.

Widow Laville
vs. La Croix.

5. Genevieve Butord, Widow Laville,
plaintiff, vs. La Croix, cabinet-maker, defendant: Considering the decree in default
obtained by the plaintiff last July, the order and act of said
month of July, Council condemns defendant to pay her the sum
of 350 livres, as per his note, and interest thereon, and to appear before Council at its next session. Costs pending.

6. Sr. Deléry, plaintiff, vs. de Chavannes, defendant: Considering the decree in default, of last June, and the petition presented by plaintiff for Dame Marguerite Laurence Deléry, and the act passed May 27th, concluding that de Chavannes must pay the quantity of 64 barrels of corn in grain, which he owes to the succession since 1732; Council condemns him to pay the 64 barrels in the course of next November, and costs of Court.

7. Joseph Chaperon, as tutor, plaintiff, vs. Louis Tixerrant, defendant: Considering petition of last June, the adjudication of seven slaves of the succession of Joseph Larche, leased for ( ) years, Council condemns Tixerrant to pay the sum

of 1276 livres, and to furnish sufficient security for same, and orders that Tixerrant be cited again. Costs pending.

8. Chaperon, plaintiff, vs. Joseph Blanpain, defendant: Council has rendered judgment in default against defendant, and orders that he be cited again. Costs pending. Council has ordered him to take back the animal and to furnish a more vigorous one, or to return the 250 livres.

9. Sr. Garic, acting for Sr. Trenaunay Chanfret, plaintiff, vs. Sr. Robineau de Portneuf, as husband of Therese Trudeau, widow of Alphonse de la Buissonniere, defendant: Council condemns Sr. de Portneuf to pay 13,929 livres, 11 sols, 8 deniers, for remainder of his obligation, with interest and costs.

Order for homologation of will.

10. Francoise Renard, widow of Pierre Cousin, by a first marriage, and secondly of Antoine Joly, who by his will left her his legatee: Council has ordered homologation of said will, in order for execution in its form and tenor.

Garic, acting for Deléry
heirs, vs. Chevalier de
Chavoy.

11. Jean Baptiste Garic, acting for Sieurs
Nicolas Chauvin de Boisclair and Antoine
Chauvin des Islets; said Nicolas Chauvin
de Boisclair, tutor of Francois, Marguerite and Laurence Deléry, consanguineous brothers and sister of
Joseph Chauvin Deléry, who married Jeanne\* Faucon Duman-

Joseph Chauvin Deléry, who married Jeanne\* Faucon Dumanoir, petitioners: Considering deliberation on the 2nd of the present month before Councillor Kernion, on order of M. D'Auberville, of which they request homologation for execution in its form and tenor.

\*(Note: "Jeanne" is a pen error. Joseph married Delle Marie Faucon Dumanoir, as is proven by previous documents. Jeanne, the third Dumanoir sister, married Gilles Augustin Payen, Chevalier de Noyan, Major de la Place of New Orleans. —H. H. C.)

Document is in small, irregular script, and so badly charred that it is going to pieces.

No. 1168. Bis.

Unfinished duplicate.

Judgments rendered by Superior Council on August 3, 1748. Two-page duplication of the above document.

August 3.

Petition by Dame Francoise Renard, Widow of Pierre Cousin, and secondly of Antoine Joly, for homologation of her husband's will.

Signed: "Garic pr La supliante ne Scachant signer."

Order for homologation. Signed: Raguet.

Chaperon vs. Tixerrant.

August 3, 1748. Consent by the Procureur General that said will be homologated.

August 3. 2½ pp.

Excerpt from the Registers of the Superior Council: Sr. Joseph Chaperon, acting as tutor of Joseph Larche's minor, vs. Sr. Tixerrant, stating that in 1745 he proceeded

to an adjudication of seven negroes, owned by Larche's succession, said slaves being adjudicated for a lease of two years and three months to Sr. Tixerrant for 1400 livres, per year. A decree in default was rendered against him on September 3, 1746, and having given him time to come to some agreement, which he has not done up to date, petitioner prays that he be condemned to pay the sum of 1278 livres, 5 sols, for settlement of bill to last July. Council has given decree in default against him, and ordered that he be cited again. Signed: By the Council; Henry, Greff.

Received 5 livres.

Notice served.

August 19, 1748. Notice of citation served on Sr. Tixerrant at his domicile, speaking to his negress servant, by Sheriff Lenormand.

August 10. 2 pp. N. P.

Letter in regard to a business transaction.

Letter from "the Cape", dated August 10, 1748, signed Minvrelle, (No address given,) to New Orleans, thanking him for remitting to M. Lenormand the 133 piastres and one real, which were returned in like

specie with "your letter, written last March 24, by means of which writer is paid for the sum of 940 livres due by M. de Louboey; for which he would be charmed to be able to render a service."

August 21. 3 pp. N. P.

Letter of Chapart to Ancelain.

Letter addressed to M. Ancelain, protests his good will, no one having ever made reproaches; "moreover if I had not intended paying for merchandise bought I would no longer be in this country, but expecting

to make a small fortune, I made onerous purchases and credits which I could not pay." He does not intend that he should be a victim; he will put in his hands every month a small amount on what he earns and will have soon paid; am not (illegible) that he Ancelain should have written an unsealed letter to Mr. Sevet. Will sacrifice himself rather than leave him wait. Signed: Chapart.

August 26. 2 pp.

Petition for permit to cite.

Petition by Pierre Delille Dupart, resident of New Orleans, stating that he was condemned, solidarily with Sr. Aufrere, by decree of Council, on April 8th, 1747, and in October, 1746, to remit a negro owned by succession of Sr. D'Ausseville. The said negro was lent to M. Fazende by Aufrere, and petitioner made repeated demands to Sr. Layssard, as tutor of minor heirs of Sr. Fazende, without ever receiving said negro, wherefore he requests that Sr. Aufrere be cited at next session of Council to be condemned to remit the negro, named Pierrot, and moreover to pay the hire of this slave at 20 livres per month, beginning October 1, 1746, up to date, and to bear costs.

Signed: Dlle Dupart.

Permit to cite.

August 26. 1748. Permit to cite. Signed: D'Auberville.

August 27, 1748. Notice of citation served on Sr. Layssard, on petition of Sr. Notice served Dupart, at his domicile in New Orleans, speaking to him personally, to apear before Council on the first Saturday of September, 1748.

August 30. 21/2 pp.

Petition to compel owner to take back a diseased slave.

Petition by Sr. Jean Guesnon Gueydon, Chief Surgeon of New Orleans, stating that one month ago Sr. Roujaud, Clerk in the King's warehouse, solicited him to exchange one negress for another owned by petitioner,

Sr. Roujaud's negress having no fault but that of being unwilling to go up to Natchitoches. To please Sr. Roujaud, the petitioner consented to the exchange, and with 150 livres in return the exchange was made. Sr. Guesnon Gueydon later on perceived that Roujaud's negress was violently attacked with venereal disease, to the point of not being able to work at all, wherefore he prays that Sr. Roujaud be cited at next session, to be condemned to take back his slave and to pay the thirty piastres agreed on, all the more as Sr. Roujaud has not paid a cent and to condemn him to costs.

Signed: Guevdon.

Permit to cite.

August 30, 1748. Permit to cite Sr. Roujaud. Signed. D'Auberville.

August 30, 1748. Notice of citation Notice served. served on Sr. Roujot (Roujaud), to appear before the Superior Council on the first Saturday of September, at nine o'clock in the morning, by Sheriff Lenormand.

leans, under guarantee that she was free from any illness, Sur-

September 2. 11/2 pp. Roulot vs. La Croix.

To Our Lords of the Superior Council, Roujot, Clerk in the King's store, states that concerning the exchange of a negress for one that petitioner bought on the eve of said exchange from Sr. Hubert La Croix, resident of New Orgeon Gueydon having assured him that he examined her at St. Laurent's before he sold her to La Croix, and he consented to the exchange in consideration of 150 livres, which Gueydon exacted and which Roujot would have paid cash, though Gueydon allowed a term of more than a month, wherefore he prays for citation of Sr. Hubert La Croix at next session of the Council, to answer for guarantee given and costs. Signed: R. F. Roujot.

Permit to cite. September 3, 1748. Permit to cite, signed by D'Auberville.

Notice served.

September 3, 1748. Notice of citation served on Hubert La Croix personally, at his domicile, by Sheriff Lenormand.

September 3.

2 pp.

Petition to M. D'Auberville by Jean Baptiste
Charras, indigo-maker, stating that on the
fourth of last May he obtained a decree
from the Council condemning Mr. Daunoy
to pay the sum of 400 livres to petitioner
for hire of a negress, rented to him at 16 livres per month,
wherefore he prays to be allowed to seize and hold provision-

ally all funds belonging to Daunoy, and to serve notice of seizure and all others, at the domicile of the Procureur General, as Sr. Daunoy refuses to elect a domicile in this city.

Signed: Garic, for petitioner, who does not know how to sign.

Permit to seize. September 3, 1748. Permit to seize. Signed: D'Auberville.

Notice served.

September 3, 1748. Notice served on Sr.

Daunoy, at domicile of M. Garic, to appear before Council, next Saturday, at nine o'clock a. m., Sheriff Lenormand leaving said order and copy of petition, which was certified. Signed: Lenormand.

September 3.

Petition by Pierre Ancelain, merchant of New Orleans, for recovery of 4000 livres due him by Sr. Blanpain, for merchandise delivered before the 20th of last April, as proven by his note of the 27th of last December. He prays that said Blanpain be cited, in order to be

cember. He prays that said Blanpain be cited, in order to be condemned to pay this debt by all possible legal means, and moreover to pay interest, costs and expense. Signed: Ancelain.

Permit to cite. September 3, 1748. Permit to cite before the Superior Council at its next session.

Signed: D'Auberville.

Notice served.

September 3, 1748. Notice of citation served on Joseph Blanpain, inhabitant of the "Oumas", now domiciled at New Orleans, by Sheriff Lenormand

Document in bad condition.

Petition to Superior Council by Dame Mar-September 3. guerite Madelaine Broutin, widow of de-4 pp. ceased Sr. Paul Rasteau, merchant, assisted Petition in regard to Succession of Paul Rasteau. by Mr. Broutin, Engineer of the King, her curator, in view of her minority, stating that she married Sr. Rasteau about a year ago, who perished body and goods on the coast of Florida, evidence of which was furnished by letter and by testimony of several persons. He was deeply indebted, not leaving enough to reimburse her dowry, settlement and other agreements, according to the contract of marriage, of October 7, 1746, which obliged the said widow to renounce the succession, as proven by M. Henry, Notary, by the act of May 27, 1748, of which the creditors of her deceased husband whom she knew in this Colony were notified. She claims only her dowry, her settlement, her mourning apparel, and the alimentary pension which she owes her father, agreement having been made by her husband on his departure. She prays to be paid without delay what she claims, and a young negress she received from her father, 1000 livres to her father, for one year's board, 600 livres for her wearing apparel and linen; which sums Sr. Chantalou, with her pension, will be compelled to pay annually, as beginning from the day of the renunciation; moreover, to have cited before you Sr. Chantalou, to hear the petition and conclusions and her demand for interest and costs.

Signed: Broutin Rasteau; Broutin.

Permit to cite.

September 3, 1748. Permit to cite.

Signed: D'Auberville.

Notice served.

September 3, 1748. Notice of citation served on Sr. Chantalou at his domicile, as charged with succession of Sr. Paul Rasteau, by Sheriff Lenormand.

September 7, 1748. Excerpt from Registers of the Superior Council, recording judgment granting Madam Rasteau 4260 livres for her dowry, mourning apparel, board and settlement, which she must

share with the creditors.

Signed: By the Council; Henry, Greffier.

September 11, 1748. By virtue of the above decree, and on the other part in answer to petition of Madam Marguerite Madelaine Broutin, Widow Rasteau, assisted by her father and curator, domiciled in her father's house, Sheriff Lenormand left her copy of the decree to Sr. Chantalou, ordering him to pay immediately the sum of 4200 livres to said Widow Rasteau, to which he was condemned without prejudice to other debts, "rights and actions", costs and expense, which he refused to pay; whereon it was declared to him that the party will sue at law by all reasonable means, and left him a copy of the decree and present act. Signed: Lenormand.

Receipt to Mr. Chantalou, curator appointed to the succession of Sr. Paul Rasteau, husband of Marguerite Madelaine Broutin, the sum of 4200 livres, which he was condemned to pay by decree of September 7, 1748, viz: 3000 livres for dowry, 1200 livres for mourning apparel and board, and moreover a negress, called Catin, which was not sold, which she acknowledges without barring her claim on her settlement. Signed, September 13, 1748: Broutin Rasteau.

Petition by Chantalou to collect debt due Rasteau succession by Fazende succession.

September 12, 1748. Petition to the Superior Council by Augustin Chantalou, Curator of succession of Paul Rasteau, stating that the succession of Sr. and Dame Fazende owe this succession the sum of 3668

livres, 5 sols, 3 deniers, as per bill here annexed, certified by deceased Sr. Rasteau, May 4, 1747, and several notes and mandates, which sum the petitioner claimed from Sr. Layssard, tutor of the minor heirs of Sr. and Dame Fazende, who refuses to pay said sum; wherefore he prays for permit to cite Sr. Layssard to be condemned to pay said sum, and costs. Signed: Chantalou.

Permit to cite.

September 12, 1748. Permit to cite. Signed: D'Auberville.

Notice served.

September 14, 1748. Notice served on Sr. Layssard at his domicile, by Sheriff Lenormand.

Rasteau succession, for 250 livres, following his note of January 31, 1747, signed by Le Roy, payable in three months; wherefore he asks permit to cite said Le Roy. Signed: Chantalou.

Permit to cite.

September 12, 1748. Permit to cite. Signed: D'Auberville.

Notice served. September 14, 1748. Notice of citation served on Le Roy at his domicile, by Sheriff Lenormand.

Petition of recovery.

September 12, 1748. Petition by Augustin Chantalou, as curator of succession of deceased Paul Rasteau, for permit to cite Louis Marchand, for recovery of 50 livres and costs. Signed: Chantalou.

Permit to cite. September 12, 1748. Permit to cite. Signed: D'Auberville.

Notice served.

September 12, 1748. Notice to appear before Council on the first Saturday of October, served on Louis Marchand at his domicile by Sheriff Lenormand.

Session of the Superior Council, where were present MM. de Vaudreuil, Governor; D'-Auberville, Commissioner of the Marine, Ordonnateur and First Councillor; de Membrede, Major; Delafreniere, Councillor; Le Bretton, Delalande and Kernion, Councillors Assessors; assisted by M. Raguet, acting as Procureur General of the King. Judgments rendered in the following cases:

1. Dame Marguerite Madelaine Broutin, widow of Sr. Paul Rasteau, assisted by Sr. Francois Ignace Broutin, as her curator, plaintiff, vs. Sr. Augustin Chantalou, curator appointed for the succession of Sr. Paul Rasteau, defendant: Council orders Sr. Chantalou to pay plaintiff the sum of 3000 livres, her dowry, also to remit the young negress donated to her by her father, likewise her board for one year, stipulated at 1000 livres, and 600 livres for her mourning. Chantalou will be required to pay 1000 livres for her board, stipulated at that sum by her husband, to be paid on his return; 100 piastres as usufruct on her settlement, amounting to 10,000 piastres. Costs on the succession.

Gueydon vs. Roujot.

2. Sr. Gueydon, Chief Surgeon, plaintiff, vs. Francois Edmé Roujot, defendant: Concerning the exchange of negresses; Roujot bought the negress for his son-in-law. The negress being unable to do any work at all, Gueydon prays that Roujot be condemned to return his slave, and to take back the incapaciated negress, if he does not wish to pay for her, and to pay costs. Considering that La Croix made the exchange, and in the moment exchanged her, Council has nonsuited Gueydon. Costs compensated.

Chaperon va. Tixerrant.

3. Sr. Chaperon, plaintiff, as tutor of minor child of deceased Larche, vs. Sr. Louis Tixerrant, defendant: Seen the decree against said Tixerrant, on the

3rd of last August, the petition presented by Chaperon, on dates of July 17th and 19th, and the petition of August 16th, 1745, showing that after sale and adjudication of seven slaves of the succession of deceased Joseph Larche, who were adjudicated for two years and three months to Tixerrant for the sum of 1400 livres per year. Chaperon obtained a judgment in default against him, on September 3, 1746, and Council concludes that said Tixerrant be condemned to pay the sum of 1278 livres, 5 deniers. Council condemns defendant to pay sum claimed, in the course of next November, and to bear costs.

4. Sr. Jean Baptiste Garic, acting for Sr. Garic, acting for De Beaune, vs. Tixerrant. Albert de Beaune, plaintiff, vs. Sr. Louis Tixerrant, as husband of Marie Anne Arlut, and representing the co-heirs of Arlut succession, defendant: Seen the petition of de Beaune, condemned to render account of the succession of deceased Arlut, which he did before Councillor Kernion, Commissioner on this case, to which account Sr. Tixerrant furnished debate, in which he states that the community has continued to this day, for lack of inventory, which de Beaune must present to the Council, with necessary explanations of what happened at the time of Arlut's death. Sr. Tixerrant went to Biloxy and advised the widow to have an inventory made for the protection of the minors, for that purpose calling in the Curé and Sr. de la Salle, who was then Guardian of the store, and the inventory was signed in the presence of Sr. Tixerrant, the widow having testified that she intended to dissolve the community. This inventory was made with the consent of Sr. Tixerrant, without theft nor fraud, in a place where there were no officers of justice, on date of October 26, 1725, signed by Pre Caspart, Curé; Sieur de la Salle, Guardian of the store; Sr. Baldic, Surgeon; and by Tixerrant; the estimation was made by the Curé and Sr. Baldic. Case heard, with conclusions of the Procureur General of the King, the whole heard and examined, Council decides that said inventory is good and valid, as it is, seeing that it was impossible to make it with the prescribed formalities according to the Custom of Paris, all the more so as it is not considered fraudulent by any of the coheirs. That the account presented by the plaintiff to defendants, with the division of goods of Jean Arlut, shall be made and settled on the said inventory, and that the original of said inventory be deposited in the Registry, copies to be delivered to whom it appertains. Costs pending.

Viel, residing at Havana, plaintiff, vs. Sr. Delaunay, defendant: Seen the petition presented by Layssard Bros., under procuration of Sr. Viel of Havana, who substituted Layssard Bros. to act for Joshua Henric, a merchant of Jewish nation, residing at Curasol (Curacao), vs. Sr. Jean Baptiste Bertrand, Boat Captain, which Sr. Henric, Sr. La Viel and other

parties had freighted under direction of Sr. Bertrand, interested in the cargo, which was valued at the sum of 14,162 piastres, 2 reals and 2 plates of metal. Sr. Bertrand disspiated said cargo, and took refuge with the English, in consequence of which, petitioner prays that all effects and merchandise belonging to him in this Colony be seized provisionally. The Council has given certificate to Sr. Delaunay of his declaration that different articles of merchandise have been remitted to him by Sr. Sevet, as belonging to Sr. Bertrand, amounting to the sum of 4132 piastres, and he cannot leave them out of his possession until otherwise ordered. Costs pending.

Dupart vs. Layssard.

6. Sr. Pierre Delille Dupart, plaintiff, vs. Sr. Layssard, as tutor of Fazende minors, defendant: Plaintiff was condemned, by decree of April, 1747, with Sr. Aufrere, to the full execution of decree of October 1, 1746, to remit the slave called Pierrot, belonging to D'Ausseville succession, said negro having been lent to Mr. Fazende by said Aufrere; plaintiff repeated the demand to Sr. Layssard, as tutor of Fazende minors, without success. It is true that Sr. Fazende had the negro, not as a loan but as a purchase, as proven by the answer of Sr. Barbin. The Council orders that the sale made by Aufrere be declared valid, and that the succession (of Fazende) be held to pay according to the appraisement of Srs. Du Breuil and Martin, named as arbitrators by the parties. Costs pending.

Ancelain vs. Blanpain. 7. Sr. Pierre Ancelain, plaintiff, vs. Joseph Blanpain, defendant: Council has rendered judgment in default against Blanpain for failing to appear, and orders him to be cited again. Costs pending.

Ancelain vs. De Gruis.

8. Sr. Ancelain, plaintiff, vs. Sr. De Gruis, defendant: Council has given second default against defendant, and has condemned him to pay 1245 livres, 10 sols, as per his receipt, and to costs.

9. Sr. Gregoire Volant, plaintiff, vs. Sr. Joseph Chaperon, as tutor of the Larche minor, defendant: The Council, with consent of the parties, has reduced the rent of the slave Augustin Morra in their books for each year, counting from the day of said negro's death, without costs.

Garic, in matter of Huet tion of Perrine Riouet, Widow Huet, and of Henriette Huet, her daughter residing at Mobile, petitioners: The Council has ordered and orders that Widow Huet and Henriette Huet, her daughter, shall be authorized to dispose of all their goods, as free persons, as it suits them, raising all interdict, if there be any, and that said

Perrine Riouet shall render account to her daughter of her father's succession, if it has not been previously done.

Document ends here. No signature.

September 7.

Receipt to Pierre Hervier for 100 piastres for voyage to Western Coast (St. Bernard), by Blanpain, as he speaks the Indian language of that Coast.

Signed: Blanpain; Jh Depas; Depas, witness; P. Rasteau, witness.

Receipt to Pierre Hervier for 150 piastres, balance of what was granted said Blanpain for his mission to the Bay of St. Bernard, also for having met other things than the traces of those who came back from the shipwreck in the canoe. Dated, New Orleans, September 6, 1748. Signed: J. Blanpain.

September 7.

Petition to Superior Council by Gregoire Volant, commanding the fourth company of the Swiss Regiment of Karrer, stating that he had had by adjudication three negroes, pieces d'Inde, two negresses, and two young negroes, belonging to the Larche minor. The best one died, which is a considerable loss, if the price of the adjudication be not diminished; he prays that reduction be made at the pro rata of the slave's value, and that Sr. Chaperon be cited, as the Minor's tutor, or if the Court does not grant a reduction, that another adjudication be made. Signed: Volant.

Acknowledgment of notification. Signed: September 7, 1748. Acknowledgment by Chaperon that he was notified of present petition. Signed: Lenormand.

September 7.
7 pp.
Answer, in the form of a petition, by Louis
Tixerrant, begging to be allowed to state
the reasons for the continuation of the
community of Jean Arlut to this day, and
reply to the objections of Jean Baptiste Garic.

September 7.

September 7.

Pierre Ancelain, plaintiff, vs. Sr. Degruis
Verloin, defendant: Seen by the Council
the decree in default obtained by plaintiff
last July, his petition stating that Sr. De

Gruis owes him 2000 livres, as proven by his obligation filed in the Registry of the 19th of August, 1743, hereto annexed, and that of 1245 livres, 10 sols, proceeding from three notes of Sr. Brazou, recovery of which was intrusted to the defendant, as proven by his acknowledgment of August 23, 1743; who having awaited payment until now, prayed Sr. De Gruis to honor them, who has made no effort to collect these funds; wherefore he prays for permit to have De Gruis cited at the domicile of the Procureur General, to compel him to pay the sums, amounting to 3245 livres, 10 sols, and costs. Council orders De Gruis to be cited again, and has decreed second default against defendant, and condemns him to pay sum claimed and costs. Signed: By the Council; Henry, Greff.

Received 5 livres. (Paraph of Henry.)

March 2, 1751. Notice served on Sr. De Gruis at his domicile, elected in New Orleans in the house of Madam Aufrere, speaking to his wife, to pay Sr. Ancelain the sum of 1245 livres, to which he was condemned, interest and costs; and as he refused, he was notified that the party will have recourse to all legal means to obtain payment, and have left him a copy of this notice, that he may not plead ignorance.

Signed: Lenormand.

Document in bad condition.

September 7. No. 1170. Bis. 2 pp.

Rasteau vs. Chantalou; Gueydon vs. Roujot.

September 7. 1½ pp.

Broutin vs. Chantalou.

September 7. 23/4 pp.

Petition for emancipation

An unsigned fragment of Session of Superior Council, containing judgments in cases of Marguerite Broutin, Widow Rasteau, vs. Augustin Chantalou, Curator of estate of deceased Rasteau; and Gueydon vs. Roujot.

These two pages badly torn.

Conclusions of Acting Procureur General, in case of Marguerite Broutin vs. Augustin Chantalou, Curator of succession of deceased Paul Rasteau. Signed: Raguet.

Petition to Superior Council by Gerard Pellerin, junior, declaring his intention of going to France, and assisted by his subrogate tutor, Sr. Du Breuil, he prays for emancipation, in order to manage his af-

fairs; he prays that it be granted him under benefit of age, under the authority of a Curator until his majority.

Signed: Louis Gerard Pellerin; Villars Du Breuil.

Permit for family moeting. September 24, 1748. Permit to convene relatives and friends of petitioner; the whole to be communicated to the Procureur General. Signed: D'Auberville.

September 24, 1748. Notices served on Sr. Du Breuil, Captain of Militia; Mr. de Gauvry, Commandant; Mr. Gauray Guiberry (Jauriquibery

elsewhere), Captain of Militia; Mr. Broutin, Engineer of the King; Mr. de Macarty, Marine Captain; Mr. de la Freniere, Councillor Commissioner. Left copy of the above to each of the aforementioned and to the Procureur General, by Lenormand.

Document stained and mutilated.

September 23. 2½ pp. Petition to Superior Council by Sr. Barthelmy, Chevalier de Macarty, Marine Lieutenant, married to Miss Francoise Pellerin, stating that Mr. de la Loere Faulcourt, wishing to show his gratitude to Sr. and

Dame Pellerin, made a present to their daughter, Francoise, of a negro Francois and a negress named Catherine, which gift Mr. and Mrs. Pellerin would not accept; he therefore made a gift to the said daughter, now the wife of the petitioner. The widow married M. de Membrede, who has the two slaves, wherefore petitioner prays that he be cited, to be condemned to remit the two slaves, and moreover, an issue, since born. He claims rent since the donation, and asks that they pay costs. Signed: Le Chyr de Macarty.

Permit to cite.

September 23, 1748. Permit to cite. Signed: D'Auberville.

September 28, 1748. Notice served on M. de Membrede, Major of the Place, at his docimile near the Barracks, speaking to his negro Jacob, to appear before the Council on the first Saturday of October, at nine o'clock in the morning. Signed: Lenormand.

Document stained and torn.

(No date). Fragment of a document, signed: St. Martin; pale, stained and torn.

September 27.

2 pp.

Petition to Superior Council by Jean Baptiste de Chavannes, stating that being dunned by Sr. Ancelain, Sr. St. Martin offered him the sum of 450 piastres, petitioner making him a sale of a negress and her child, aged six years, on condition that St. Martin would hold the negress fifteen days after the arrival of the first boat, and as St. Martin had left the negress with de Chavannes, he offered him to hold him free of the price of sale and of the rent, wherefore he prays that Sr. St. Martin be cited to pay the sum of 450 livres and the rent, with costs.

Signed: De Chavannes.

Permit to cite.

September 27, 1748. Permit to cite. Signed: D'Auberville.

September 27, 1748. Notice served on St. Martin, on petition of J. B. de Cha-

vannes, by Sheriff Lenormand.

Document torn, stained and in bad condition.

3 pp.

Petition to Superior Council by the Chevalier Barthelmy de Macarty, Marine Officer, as husband of Francoise Pellerin, stating that the occupations of M. de Membrede prevent him from directing the affairs of de-

Petition by de Macarty in matter of Pellerin succession.

ceased M. Gerard Pellerin with advantage and demanding that he confirm the goods in town house and plantation, movable effects and tools, in order to liquidate more promptly, depositing one-half of the produce, so that it may constitute a fund to liberate it entirely; the other half to be divided between the heirs of said succession; wherefore M. de Membrede is asked to render account of his management of the goods. He therefore asks that M. de Membrede be cited, to be ordered to render account of said succession. Signed: Le Chr de Macarty; L. Pellerin.

Permit to cite.

September 30, 1748. Permit to cite. Signed: D'Auberville.

October 1, 1748. Notice of citation served on M. de Membrede, at his domicile in the Pavilion of the Barracks, to appear before the Superior Council at its next session, to answer on said petition. Signed: Lenormand.

October 1. 1½ pp.

Petition for recovery of debt.

Petition to Superior Council by Nicolas Judice, resident of New Orleans, stating that Sr. Carriere owes him eighty livres, as proven by account hereto annexed. As the petitioner, after repeated demands, has ob-

tained no satisfaction, he prays for permit to cite Sr. Carriere, in order that he be condemned to pay said amount, interest thereon, and costs.

Signed: Nicolas Judice.

Permit to cite.

October 1, 1748. Permit to cite. Signed: D'Auberville.

October 1, 1748. Notice of citation served on Sr. André Carriere by Sheriff Notice served. Lenormand, who left him a copy of the petition and bill with the notice.

Document pale, stained and torn.

October 1.

Petition to Superior Council by Jacques Livet, stating that he has been appointed tutor to Jacques Mathurin, Francois, George and Marie Elizabeth, his children, but his advanced age does not allow him to see to the cares of this charge, and he is unable to increase the goods of said minors, wherefore he prays that another tutor be appointed, and in consequence, to permit him to convene a family meeting before the Councillor whom it will please you to appoint. Signed: Garic, for the petitioner.

Order for a family meeting.

October 1, 1748. Order that the meeting be held before Councillor Lafreniere, and report thereon to be made to the Procureur General of the King. Signed: D'Auberville.

Cotober 5, 1748. Excerpt from the Regretition denied by the isters of the Superior Council of the Province of Louisiana: Seen by the Council
the petition presented by Jacques Livet, to be relieved of the
tutorship of his children, on account of his age, sixty-two years;
the order of M. D'Auberville that a family meeting be convened
before Councillor de Lafreniere. The Council has rejected petition of Mr. Livet, as not having reached the age of exemption,
and orders him to continue in his functions until one of his male
children be in condition to relieve him of said tutorship.

Signed: By the Council.

Documents in bad condition.

Defense before the Council, made by Mr. de October 2. St. Martin, defendant, vs. Sr. de Chavannes, plaintiff; here is the situation: Plaintiff came to defendant, and thought 4 pp. Answer of St. Martin to petition of de Chavannes. he would find in him a person ready to oblige him. He proposed to sell him the negress, and defendant, being in need of said negress, consented. The clauses of the sale justify him. Sr. de Chavannes, awaiting funds from France, the defendant consented to remit the negress to him fifteen days after the arrival of the first of the King's ships, with the condition that he could not sell or hire the said negress without the consent of Sr. St. Martin. The facility to retire was thus granted him, but only to favor Sr. de Chavannes, who having recovered the slave was not free to sell her nor to hire her. Notwithstanding this clause, and the failure of the funds which he expected from France, Sr. de Chavannes had him cited last month, by order of Sr. D'Auberville, and condemned to pay the price of both slaves, 253 piastres. St. Martin affirms that demand of de Chavannes should be rejected for several reasons. First, de Chavannes was to pay fifteen days after arrival of the

King's ship at the Balize. The vessel reached the Balize on the. 10th of last month, following note signed by first Pilot; being at the 27th, the fortnight had fully expired. Secondly, that conditions were that de Chavannes should reimburse by funds coming from France. Thirdly, supposing that it was in Mr. de Chavannes' power to reimburse, they still owe the sum, which neither de Chavannes nor the tipstaff have offered to pay, nor has he the power to reimburse the sum, or to refuse to pay, in which case he would have to deposit said sum in Registry, as practiced in such cases, as all vague offers are null, as per ordinance. By the act of sale Sr. St. Martin granted to Sr. de Chavannes the power to reimburse, simply to be able to use the services of said negress, without being able to sell or hire her without consent of defendant. Sr. de Chavannes would have wished to sell said slave to Sr. Destrehan for 2500 livres; he has then infringed on the act, intending to make a small profit, without considering that, since the purchase of said slave by St. Martin, he could have died, which would have been a total loss to defendant; and besides, if the said slaves were to profit of the price, it must be to the profit of the defendant, who ran the risks and expense of the sale, for the following reasons: First, the ship arrived September 10th, and the demand was made after 17 days, instead of 15 carried in the sale; Secondly, that he received no funds from France, in which case only could he have reimbursed; Thirdly, that he made no real offers; Fourthly, that he infringed the above act, to use the negress without the right to sell her, nor even to hire or engage her.

The defendant concluded that Sr. de Chavannes' demand be rejected, and that he be condemned as per his offer to pay to St. Martin the sum of 202 livres, for three months and twelve days of rent of the said slaves, said St. Martin offering to remit a note to him of said de Chavannes, for sale of lot 320, which he sold to him on June 18th, for security of said rent and for costs. Signed: St. Martin.

Document stained and badly torn.

Answer of de Chavannes.

October 4, 1748. Defense of Sr. de Chavannes vs. St. Martin: Sr. St. Martin, knowing that de Chavannes was in pressing need of funds, having to pay 2400 livres in favor of Ancelain, which was protested, he sent his negress to petitioner, in order to assure him that he was willing to help him. The verbal agreement was that he would remit to petitioner 453 piastres, on which there were 400 due to Ancelain, and 53 to an individual who lent him that amount generously without any return; this sum was not the price of the negress and her daughter, six years old, which petitioner consented to turn over to St. Martin, to pay an interest of six piastres per month; as he did not need this slave, he left

her there under pretext of rent, by an agreement before witnesses, and moreover to indemnify him in case of death, a lot, sold under private seal. Death not intervening, the clause read that he could withdraw them fifteen days after the arrival of the King's ship, as they were simply a pledge, on which clause the defendant bases his claim. The ship reached here September 12th, and did not pass the fortnight. This clause was in hope of the petitioner receiving news from France about funds, with which he was to pay said loan. Sr. St. Martin dictated a long act, in which he inserted a clause which the petitioner passed over because it is against all right and reason, and that it can never be validated; that having given a pledge and paid his interest, he could not sell nor hire the said negress without the consent of Sr. St. Martin. His affairs in France were not finished; he still owed St. Martin 453 piastres principal and 24 piastres of interest, whereon he went to St. Martin and told him that he accepted the order at sight for the aforementioned sum of 477 piastres, and asked him his hour for said payment, whereon he answered with much heat, that it was useless to make any offer, that he would only consider funds from France addressed to petitioner, who saw that he could no longer consider the friendly offers made, and had recourse to justice; wherefore he prays that the two witnesses testify on his refusal to deposit the money in the Registry. He prays that St. Martin be ordered to receive the 477 piastres, for principal and interest, to remit the act of sale, receipt for said amount, and the two simulated acts of sale of lot and rent of said negress and daughter, who peti-tioner remitted on verbal order of M. L'Ordonnateur, but whom St. Martin had carried off in the street before said order. Petitioner prays that Sr. St. Martin bear costs. Signed: De Chavan-

Document water stained and in shreds, as are most of the others in the October file, which is scanty.

October 5.

1 n

Macarty and Pellerin vs. de Membrede.

Excerpt from Registers of Superior Council: Sr. Barthelmy de Macarty and Louis Gerard Pellerin, his brother-in-law, plaintiffs, vs. Sr. de Membrede, who married Franciose Ruellan, widow of deceased Gerard Pellerin, defendant: The Council

has ordered that the plantation, slaves and cattle on it, be confirmed after having made a good and loyal inventory, as well as the town lots and houses, beginning on the first of next December, be leased, excepting the quantity of provisions necessary for subsistence of the heirs, which shall be remitted by the lessee, and the same quantity at the expiration of the lease. As to the account to be rendered by M. de Membrede of his administration, the Council has adjourned the parties until the liquidation of the succession, which will bear costs. An excerpt, signed: Chantalou.

October 5, 1748.—Sr. Louis Pellerin, Of-Consent of Pellerin to payment of debt. ficer of troops in this Colony, in answer to the notice of citation served on him, declares that it is shameful to be cited for a sum so legitimately due and so gallantly lent by a friend over seven years, but having only his salary to provide for his living and maintenance, he has not been able to pay it, not having been paid a cent of the alimentary pension approved by the Council. He had always thought that Madam, his mother, had paid or would pay this sum. Mr. de Lafreniere consents to have the decree of Council in his name and authorized by him executed, share of Sr. Pellerin to be reimbursed by him, if it covers the debt. Signed Pellerin.

Session of Superior Council, where were October 5. present MM. de Vaudreuil, Governor; D' 6 pp. Auberville, Commissioner and Intendant; Session of Superior Council. de Membrede, Major; Raguet, Councillor; Le Bretton, de Lalande and Kernion, Councillors Assessors; and M. Fleuriau, Procureur General of the King. Judgments rendered in the following cases:

Induction of de Membrede into the Council.

Filing of M. de Membrede's brevet in the Registry, after required formalities, conclusions of the Procureur General, and inquiry into life and morals.

Registration of a royal ordinance.

Seen the declaration of the right of one tenth coming to the Admiral, which is to be taken only after all costs are paid; Council orders that said declaration be filed in Registry for its execution.

Seen the petition of Sr. Gerard Pellerin, Petition for emancipation plaintiff, emancipated by letters of benefit of age, considering the family meeting of September 25th, with the conclusions of the Procureur General of the King, Council has ordered that the opinion of this family meeting be homologated and executed.

4. Sr. Livet presents petition to be relieved Petition to be relieved of tutorship rejected. of charge of tutorship of his minor children, on account of age, and therefore to be allowed to call a family meeting: Council rejects his demand, and orders him to continue his tutorship until he reaches the age named by ordinance.

Sr. de Macarty, husband of Francoise Macarty vs. de Membrede. Pellerin, plaintiff, vs. Sr. de Membrede, who married Francoise Ruellan, Widow Pellerin, defendant: The Council has recognized the claim of Madam de Macarty to two cows and two slaves, a gift from M. de la Loere, as well as their issue, and the succession discharged of the said items in the inventory. Costs pending.

Macarty and Pellerin vs. de Membrede, in matter of Pellerin succession. (de Membrede retired.) 6. The Chevalier de Macarty and his brother-in-law, Gerard Pellerin, plaintiffs, vs. Sr. de Membrede, husband of Widow Pellerin, defendant: Council orders M. de Membrede to render account of his management

of the succession of deceased Pellerin, all goods to be affirmed after a good and loyal inventory, by next March, also the lots and houses in New Orleans, and has adjourned the parties until liquidation of the said succession. Succession ordered to bear costs.

De Chavannes vs. St. Martin. (de Membrede re-entered.) 7. Jean Baptiste de Chavannes, plaintiff, vs. Sr. de St. Martin, defendant: Case considered, with conclusions of the Procureur

General of the King, the Council has rejected the demands of the plaintiff and the offer of St. Martin to reimburse the surplus of the profit; that said de Chavannes receive it if he thinks proper, who is condemned to bear costs, and that St. Martin remit to de Chavannes the sale of the lot.

Chantalou vs. Layssard, as tutor of the Fazende minors. 8. Sr. Chantalou, as curator of succession of Paul Rasteau, plaintiff, vs. Sr. Etienne Layssard, as tutor of Fazende minors, de-

Layssard, as tutor of Fazende minors, defendant: To do justice, the Council orders that Mr. Sevet be called into the case and examined, to be thereon ordered what is just. Costs pending.

Chantalou vs. Menard.

9. Chantalou, as curator of succession of Paul Rasteau, plaintiff, vs. Louis Menard, as husband of daughter of deceased Nicolas Marchand, sole heiress of said Marchand, defendant: Council has condemned defendant to pay the sum of 50 livres, 10 sols, 9 deniers, as per bill, and costs.

Chantalou vs. Dupré.

10. Chantalou, plaintiff, vs. Sr. Dupré, as husband of Widow Darcy, defendant: Council has rejected demand of plaintiff, and condemned succession to pay costs.

Chantalou vs. Francois Liotaud. 11. Chantalou, in his official capacity, plaintiff, vs. Francois Liotaud, defendant: The Council has ordered defendant to pay 53 livres to the minors of the plaintiff, and costs.

Chantalou vs. Roy.

12. Chantalou, in his official capacity, plaintiff, vs. Nicolas Roy, defendant: Council has rendered judgment in default against defendant, and ordered that he be cited again at the next session. Costs pending.

Judice vs. Carriere.

13. Nicolas Judice, plaintiff, vs. André
Carriere, defendant: Council has given default against defendant, and ordered that he be cited at next
session of Council. Costs pending.

Judice vs. Baudemont.

14. Nicolas Judice, plaintiff, vs. Sr. Baudemont called des Lauriers, defendant: Council has given certificate to the plaintiff of his consent to pay the sum of 30 piastres, in payments of four piastres a month, until the account shows full payment. Costs on plaintiff.

Signed: D'Auberville.

October 5. 11½ pp.

Copy.
De Membrede inducted into Superior Council.

Suspension of the tenth granted on prizes taken at sea.

Session of The Superior Council. This document repeats most of the foregoing cases, and has no signature.

1. Brevet of Major of New Orleans, granted to M. de Membrede; order of registration and of induction into the Council.

2. Declaration of the King, March 18, 1748, ordering suspension of the tenth granted to the admiral on prizes taken at

sea; the Council orders that they be registered in the Registry, for execution according to their form and tenor.

Rules against registering titles of nobility, pardon or concession without special permission. 3. Seen the ordinance, signed: Louis and, lower down, Phelypeaux, by which His Majesty has regulated the rules previously passed in Louisiana, carrying injunction

and prohibition against registering any title of nobility, pardon or concession, without the express permission of His Majesty. The Council has ordered that said letter be filed in Registry, to be executed in its form and tenor.

Gerard Pellerin, for emancipation under benefit of age, assisted by Joseph Villars Du Breuil; opinion of assembled relatives, September 25th, was that he be emancipated under curatorship of Sr. Barthelmy de Macarty, his brother-in-law, considering conclusions of the Procureur General of the King, and order for homologation by Council.

5. Petition of Sr. Livet, tutor of his four minor children, to be relieved of his tutorship on account of age (62 years.) Council has rejected demand until he has reached the age fixed by ordinance, and that one of his male children is old enough to take up the charge.

Macarty vs. de Membrede. 6. Sr. Barthelmy de Macarty, plaintiff, vs. M. de Membrede, married to deceased Gerard Pellerin's widow, to return two slaves and two cows, put into Sr. Pellerin's succession, when they were a gift to Francois Pellerin, now Madam de Macarty: Council orders that negro and negress, as well as their issue, be returned to Madam de Macarty, and that the two cows be taken from inventory of said succession. Costs pending.

Macarty and Pellerin vs. 7. Sr. de Macarty, as husband of Francoise Pellerin, and Sr. Gerard Pellerin, plaintiffs, vs. Sr. de Membrede, husband of Widow Pellerin, defendant: Council orders account rendered, all goods to be reaffirmed after good and loyal inventory, also lots and houses, by next March, and has adjourned parties until entire liquidation of all assets of said succession. Succession to bear costs.

De Chavannes vs. St. Martin. (de Membrede re-entered.) 8. Jean Baptiste de Chavannes, plaintiff, vs. Sr. de St. Martin, defendant: Council orders defendant . . . (this part of document has crumbled.) . . .

9. Sr. Chantalou, as curator of succession Paul Rasteau, plaintiff, vs. Etienne Layssard, as tutor of Fazende minors, defendant: Council has ordered that Sevet appear and be examined. Costs pending.

Chantalou vs. Menard. 10. Augustin Chantalou, curator of deceased Rasteau's succession, plaintiff, vs. Louis Menard, married to daughter of deceased Marchand, defendant: Judgment against defendant, who is condemned to pay 50 livres, 10 sols, 9 deniers, as claimed.

Chantalou vs. Dupré.

11. Chantalou, plaintiff, vs. Sr. Dupré, husband of Widow Darcy, defendant: Council has thrown the complaint of plaintiff out of Court, and condemned succession to pay costs.

Chantalou vs. Liotaud. 12. Sr. Chantalou, in his official capacity, plaintiff, vs. François Liotaud, defendant: Council has condemned defendant to pay 53 livres, 11 sols, claimed, and costs.

Chantalou vs. Roy.

13. Chantalou as curator, plaintiff, vs.
Nicolas Roy, defendant: The Council has
rendered judgment in default against defendant, and ordered
that he be cited again at next session. Costs pending.

Judice vs. Carriere.

14. Nicolas Judice, plaintiff, vs. André
Carriere, defendant: Council has given
judgment in default against defendant, and ordered that he be
cited again at next session. Costs pending.

Judice vs. Baudemont.

15. Nicolas Judice, plaintiff, vs. Louis
Baudemont, defendant: The said Baudemont called des Lauriers signed a note for 1000 livres, which
was transferred to Judice; Council, with unanimous consent, orders defendant to pay 30 piastres, in payments of 4 piastres per
month, and condemns him to bear costs.

Petition by Gilbert Cacadier Called Dusigne, as husband of Marguerite Prevost, petitions to file in the Registry a mutual donation between himself and wife, as shown by contract of marriage, passed at Mobile before Melizan, January 10, 1739. The Procureur General has ordered the donation to be filed in Registry for execution in its form and tenor.

This document stained, and torn crosswise and lengthwise.

October 19.

Cordat (Cognas) vs.

Prevost and de la

Pommeray.

Petition to Superior Council by Jean "Cordat" (probably "Gognas"), Ship Captain, substitute for inferior officers (mariners), stating that Sr. Cognas has left with Mr. de la Pommeray, former Treasurer of the

Marine, the sum of 2736 livres, 6 sols, 2 deniers, for which sum he was to furnish bills of exchange, but it appears that said funds were . . . (illegible) . . . However, Mr. Prevost, Agent of the Company, has declared that considering the receipt of August 28, 1744; moreover, he has had information on said funds, up to September 15, 1747, when petitioner was substituted; wherefore petitioner prays for permit to cite Sr. Prevost at the next session, to be ordered to pay said sum.

Signed: Garic, for petitioner.

Permit to cite.

October 19, 1748. Permit to cite. Signed: D'Auberville.

Notice served.

November 21, 1748. On petition of Sr. Cognas, notice served on Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, at his domicile in New Orleans, by Sheriff Lenormand.

November 6.
Petition of Garic vs.
Darcourt (Dalcour).

Petition to Superior Council by Jean Baptiste Garic, stating that he made an agreement under private seal for rice and corn, which were to be delivered as soon as the crop

was gathered, payable in cash up to six hundred "francs," which petitioner was to count to Sr. Darcourt (Dalcour), as proven by receipt hereto attached. After several weeks petitioner became aware that Sieur Darcourt (Dalcour) had no intention of carrying out his obligation, and that he was selling corn every day, wherefore he prays that Sr. Darcourt (Dalcour) be cited, to be ordered to pay him the sum of 600 livres, or corn to that amount; moreover, that he pay costs.

Signed: Garic.

Permit to cite.

November 7, 1748. Permit to cite. Signed: D'Auberville.

Notice served.

November 9, 1748. Notice of citation served on Sr. Dalcour, by Sheriff Lenormand.

Notice served. November 10, 1748. Notice of citation served on Sr. Dalcour, domiciled in the house of Sr. Languedoc, by Sheriff Lenormand.

November 9.

Petition by Pierre Voisin, wholesale merchant of the Colony, claiming the sum of 787 livres, as proven by note of Gervais, dated the 12th of last July. The said note was accepted by Mr. de la Freniere in payment of a debt, wherefore he prays that Sr. Gervais be cited, to be condemned to pay the sum of 787 livres, as carried in note hereto attached, with interest thereon, and costs. Signed: P. Voisin.

Permit to cite.

November 9, 1748. Permit to cite.

Signed: D'Auberville.

Notice served.

November 9, 1748. Notice of citation served on Sr. Gervais at his domicile, speaking to Pierrot, his servant, leaving at the same time a copy of said note.

November 15.

Certification by Sr. Dusigne that he has given his procuration to his wife, enabling her to sell, buy, receipt, receive, compel payment, and to see to all that concerns the interest of the family during his stay in France; this in the presence of Sr. de Verbois, Marine Officer, and Sr. Saint Jean, Chief Surgeon at Mobile.

Signed: Dusigne; Saint Jean, witness; Deverbois, witness.

Petition to Superior Council by Jacques November 19. Chauvin, wholesale merchant of New Or-2 pp. leans, stating that on the 28th of last Oc-Chauvin vs. Harang. tober he made an agreement with Sr. Harang, in the presence of MM. Dequeue, ship lieutenant; Lapie and Bernoudy, Guardians of the King's store at Mobile; Chauvin vs. Harang. and Wils (Wiltz), for the sum of 3000 livres of merchandise, at 35 sols the pound, the price of France. The said Harang chose the merchandise from his store and put it aside, payable in indigo at the option of the petitioner. On seven barrels that said Harang had, at 55 sols a pound, he and Harang had agreed with Wiltz that he would cede part of the merchandise at cash price. He was to have delivered it on the fourth of the present month. Petitioner went to Harang's plantation to get the indigo, which he refused to let him have, under pretext that he would no longer hold his agreement because petitioner had delayed three days, which should not have caused any difficulty, as he had put the merchandise aside; wherefore he prays that Sr. Harang be cited, in order to be compelled to turn over the merchandise, amounting to three thousand pounds, at 55 sols, and moreover that he bear costs and other expense. Signed: Chauvin. Permit to cite.

November 19, 1748. Permit to cite. Signed: D'Auberville.

Notice served.

November 22, 1748. Notice of citation served on Sr. Harang, on his plantation,

by Sheriff Lenormand.

Document mildewed, stained and badly torn.

November 28. No. 15. 2 pp. Account of Sr. Benoist de St. Clair, Captain commanding at the Kaskaskias, with the succession of deceased Widow Gervais, for bills of exchange sent by him to said widow. Account follows: Debit 5918 livres; credit

Account of Benoist with Widow Gervais.

7918 livres: Stopped at the sum of 3739 livres, 10 sols, which succession of the deceased owes said Benoist de St. Clair. Following this account are thirteen letters by Benoist to deceased widow; a journal in which all she sent was entered; bills acquitted, and found in the account; five letters to Sieur Benoist, which remained in his possession, proving the aforementioned sum due to Sr. Benoist by said deceased.

Signed: Olivier Devezin.

December 2. 3 pp.

Charras vs. Daunois.

will be begun.

Petition to Superior Council by Jean Baptiste Charras, indigo-manufacturer, declaring that Sr. Daunois was condemned by decree of the 4th of last May, to pay petitioner the sum of 400 livres for rent of a negress, which he has not paid to this day. Sr. Charras obtained permit to seize goods to the value due. Petitioner has placed this affair in the hands of Sieur Jean Baptiste Garic, who to avoid costs saw Srs. Layssard, who see to Daunois' business, and obtained promise of payment on funds in their hands, which they failed to do; wherefore Sr. Garic demands that Layssard Bros. be cited, to compel them to pay said sum, in default of which prosecution

Signed: Garic, for petitioner.

Notice served.

December 3, 1748. Notice of citation served on Sr. Layssard, at his domicile, speaking to him personally, by Sheriff Lenormand. Document badly stained and mildewed.

December 3.

Petition to the Superior Council by Ignace Francois Broutin, Captain Engineer, for arrears of salary and other expenses made by him as Director of Concessions:

Petition by Broutin for rears of salary and o expenses incurred by as Director of Concer

Ignace Francois Broutin, Captain and Engineer of the King in this Colony, has the honor to represent that being in Paris in 1719, Mr. de la Jonchere proposed to him to recruit two companies of infantry to guard the concessions he wished to establish in Louisiana, in the name of My Lord Le Blanc, Count of Belisle, and Company, which he began on October first, of the said year, and brought them to Port Louis de Blavet.

On the second of the following month of May, My Lord Le Blanc gave him instructions and orders to go to Port Louis, and there to take clerks, workmen, effects, and three thousand livres of money, and to embark in the first vessel of the Company of the Indies sailing for Louisiana, where he arrived on the 22nd of the following September, where Mr. de Latour, Lieutenant General and Chief Engineer, arrived in the following December. He sent him in quest of a lot above New Orleans, to form a trading post. He chose the Little Desert, which he established, and where he remained until all the people of their concessions had gone up to the Yazous with their effects.

On the 24th of September, 1722, Mr. de Latour ordered him to the Natchez, to draw a map and investigate the concession of La Terre Blanche (White Earth), which the Company of the Indies had established there, and where he afterwards wrote to him to buy it in the name of My Lord Le Blanc and to direct it. All of which Sieur Broutin did in the sweat of his brow and to the prejudice of his health and youth.

Mr. de Latour having died in October, 1723, the Council appointed Sr. des Fontaines as Director General of the said concessions, and on his request ordered an inventory to be made, as was proper, of all the effects of the concession, and also to have the seals affixed on the papers of the said Sieur Broutin, without there being any complaint. On this, he determined to come down to the City, where he was much surprised to see that they had allowed Sr. Desfontaines to have the seals on his papers raised without notifying him to be present.

Sieur Broutin presented several petitions to the Council, to order Sr. Desfontaines to settle his accounts, that he might cross over to France, which it was never possible to obtain, always eluding it under pretext of business, which led the petitioner into expense.

In 1724, Mr. de Pauger was named administrator by those who had an interest in the concessions; he induced Sr. Broutin to go up to Natchez, where he received a commission as Director, on the 18th of October of the same year, and he (Broutin) remained there until the end of 1726, at which time Mr. de Pauger died, and the petitioner left to come down to this City.

Sieur Bonnaud, having been named Director of the said concessions, demanded the accounts of the petitioner. who gave him the last, as shown by the receipt of February 25, 1729, so

that he would settle; but there was no means found to make him do so, notwithstanding the entreaties of Sr. Broutin. He wrote of it to the interested parties, who returned no answer, undoubtedly because he made demands.

The gentlemen interested therein decided to sell their concessions and all that they possessed in this country in 1737 to Messrs. Daunois and Assailly, instructing them, on date of September 10th of the said year, to settle all accounts, naming those of Sr. Broutin, which they did not settle any more than the others, and did not even notify the petitioner of their instructions, though he several times begged Sr. Assailly to come to a final settlement of his accounts.

It is not astonishing that Sr. Broutin loses patience at not being able to close this affair which holds him in sufferance since 1726, since which time he should have enjoyed the fruits of his labor during twenty-two years, and which can no longer de delayed, as he finds himself unable to wait any longer, being in debt.

This considered, My Lords, may it please you to cite at the next session of the Council, on the seventh of this month, Messrs. Daunois and Prevost, who are acting for Mr. d'Assailly, and to sentence them to pay promissorily to Sieur Broutin a sum of six thousand livres, on account of fourteen thousand which may be due to him for seven years of service in the said concession as Director and for advances he made for trading the wheat and for feeding the negroes and workmen at the Little Desert, as well as for seven hundred and seventy-six livres, two sols, which the Company of the Indies made him pay for the effects which he bought from the Company of the Indies for the concession, as shown by his note, dated October 9th, 1726, and other pretensions; and besides, to allow him to cause to be seized and attached the amount of eight thousand livres, which are still due to the petitioner, and to bear all costs, loss, and interest, and you will do justice. Signed: Broutin.

Permit to cite.

December 3, 1748. Permit to cite at the first session of the Council at New Orleans. Signed: D'Auberville.

December 3, 1748. In the year one thousand seven hundred and forty-eight, on the third day of the month of December, by virtue of the above order, and on petition of Mr. Broutin, Captain Engineer of the King in this Colony, residing in New Orleans, in his house, where he has elected his domicile, I, Marin Lenormand, Sheriff in the Superior Council of this Province, residing in New Orleans, where his domicile is established on Royal Street, have served notice on Mr. Prevost, Agent

of the Company of the Indies, as representing Mr. d'Assailly and having his affairs in charge, residing in New Orleans, in his house, where he had established his domicile, speaking to him in person; to Mr. Daunoy (Daunois), residing at the domicile of the Attorney General of the King, on Royal Street, speaking to Pierrot, his negro servant, to appear at the next ordinary session, next Monday, seventh of the present month of February, at nine o'clock in the morning, in the Council Chamber of the Superior Council, to answer on and concerning the said petition and see ordered what is right, claiming costs, speaking to them as above and leaving each a copy, personally, of the petition as well as of the order, and of this present, of which act was passed. Signed: Lenormand.

December 6.

1½ pp.

Notice served.

Notice of citation served on Sr. Augustin Chantalou, as Curator of succession of dedeceased Paul Rasteau, on petition of Sr. Jean Baptiste Garic, as Attorney. Signed: Lenormand.

Document stained and torn.

December 7.

1 p.

Petition to Superior Council by Augustin Chantalou, as Curator of succession of deceased Paul Rasteau, stating that the Presidio of Pensacola is indebted to Rasteau succession to the sum of 1607 piastres, for flour delivered for Sr. Rasteau. Petitioner prays to be authorized to turn over to Sr. Gonzalle, with the papers, to collect payment, giving him full power to do so. Signed: Chantalou.

Consent and authorization given.

December 7, 1748. Consent and authorization for the King, given by Sr. Fleuriau, Procureur General, to remit titles to wholesale merchants to solicit payment. Signed: Fleuriau.

December 7.

Session of the Superior Council, where were present MM. D'Auberville, Commissioner of the Marine, Ordonnateur, and First Councillor; De Noyan, Lieutenant of the King; De Membrede, Major; Delafreniere and Raguet, Councillors:

Judgment rendered in the following cases:

Broutin vs. Daunoy.

1. Sr. Ignace Broutin, Captain Engineer of the King, plaintiff, vs. Daunoy, as associate of Sr. Assailly in the purchase of the concessions owned by the heirs of Mgr. Le Blanc d'Asfel (Asfeld), associate, defendant: Broutin, plaintiff, goes into details of his activities in Louisiana since, on M. La Jonchere's proposition, he was

sent here by Mge. Le Blanc to establish a trading post at the Little Desert. In 1726, plaintiff claimed his papers, in order to settle his account, which he did, as shown by receipt dated February 25, 1729. Sr. Daunoy was cited and condemned to pay plaintiff 14,000 livres due for his services. The Company made him pay for provisions taken at their store for the Concessions. He was permitted to seize goods of Srs. Daunoy and Assailly to the sum of 8000 livres, and all costs and interest. The Council orders that Sr. Daunoy be cited again at the next session of Council. Costs pending.

2. Sr. Darby, plaintiff, vs. Sr. Dubreuil, father, defendant: Considering the petition presented by Jonathas Darby, acts of the 2nd and 3rd of last December, petition showing that Sr. Dubreuil owed 2878 livres, 1 sol, as per his note, Council orders that the debt of 2878 livres, 1 sol, be paid with interest thereon and costs. Judgment in default rendered against defendant and ordered to appear before Council at its next session. Costs pending.

3. Jacques Chauvin, plaintiff, vs. Louis Harang, (Raguet re-entered)
Chauvin vs. Harang. (Raguet re-entered)
Pelafreniere retired.)

3. Jacques Chauvin, plaintiff, vs. Louis Harang, in the presence of witnesses, in November last, chose 3000 livres of merchandise and put it aside, payable in indigo. The defendant acknowledged to Louis

aside, payable in indigo. The defendant acknowledged to Louis Wils (Wiltz), one of the witnesses of said sale, that he owed one half of the merchandise which he acquired at cash rebate, to dispose of his indigo. When the plaintiff presented himself for the indigo, defendant refused it and would not keep his contract, under pretext that plaintiff was three days late, and he had already sold his indigo. The Council has rendered judgment in default against defendant, and ordered that he be cited again. Costs pending.

Cordier vs. Prevost.

4. Jean La Cordier, substitute for Antoine Maynard, who held procuration of Jacques Cognas, plaintiff, vs. Prevost, defendant: Considering that Cognas had remitted to de la Pommeraye a sum of 2730 livres. 6 sols, 2 deniers, who furnished receipt and promised his discharge, following orders of the Ordonnateur, and said receipt was left with Sr. Assailly, who remitted it to Sr. Prevost, who did not furnish said discharge; wherefore he asks that Sr. Prevost be forced to return in nature the said sum, with interest and costs. Council has sent the said Cordier to M. de la Pommeraye, to remit to him one sixth of the bill of exchange, and on declaration of Sr. Prevost, another will be sent from France, which were to the order of Cognas. Costs on Cognas.

5. Sieur Laurent Lérable de St. Laurent, petitioner: He asks permit to sell a house and lot, which he acquired from de Chavannes, which was part of his community with his wife, Marie Terrebonne, from whom he has two children. The said house is more of a burden than profitable to him, wherefore he would wish to call a meeting of relatives and friends, to approve of said sale, in the interest of the minors, in the presence of the Procureur General. The Council has homologated the opinion of the meeting and ordered it filed, to be executed according to its form and tenor.

Petition by Chantalou to collect debt due Rasteau authorized Sr. Chantalou to remit to Sr. Gonzalle all the papers necessary to recover the sums due to Rasteau's succession.

7. Sr. Pierre Vau, plaintiff, vs. Francois Gervais, defendant: Council has rendered judgment in default against Sr. Gervais, and has ordered him to be cited again before the Council at its next session. Costs pending.

8. Sr. Jean Baptiste Chauvin, plaintiff, vs. Sr. Daunoy, defendant; also Sr. Layssard, defendant: Council condemns Layssard Bros. to pay for the flour, and interest. Costs on the defendant.

chantalou vs. Layssard. 9. Sr. Chantalou, Curator of Rasteau succession, plaintiff, vs. Layssard, tutor of Fazende minors, defendant: The Council has condemned Sr. Layssard to pay to Rasteau succession the sum of 3668 livres, 5 sols, 2 deniers, in four consecutive payments, furnishing security for same. Fazende succession to bear cost.

Chantalou vs. Roy.

10. Chantalou, as Curator of Rasteau succession, plaintiff, vs. Nicolas Roy, defendant: Nicolas Roy owes the succession the sum of 250 livres. Council orders him to pay said sum, with interest and costs. In the case for payment of 50 livres, carried in note of 1746, Council has rendered second judgment in default, and condemns him to payment of note, interest thereon, and costs.

Couperie vs. Chantalon. 11. Sr. Coupery (Couperie), represented by Sieur Garic, plaintiff, vs. Sr. Augustin Chantalou, as Curator of succession of Paul Rasteau, defendant: Seen the petition presented by Jean Baptiste Garic for Jean Couperie, Ship Captain, order and act of the present month, the said petition showing that Sr. Couperie left with Sr. Rasteau in notes and receipt, the value of 1090 livres to recover, as proven by receipt hereto annexed. The larger part of this sum was paid to Sr. Chantalou after departure of Sr. Rasteau; 550

piastres were likewise remitted to Sr. Rasteau; wherefore he prays that Sr. Chantalou, as Curator, be condemned to remit to plaintiff the sum of 750 piastres, interest and costs. The Council has ordered that Chantalou will remit in kind the notes of said Gonzalle and Jacques Perez, on which Couperie will give good and valid discharge. As to the 200 piastres, they were mixed with the goods of the succession when the inventory was taken; Sr. Couperie will therefore be classed with the other creditors. Costs pending.

12. Garic, plaintiff, vs. Sr. Dalcour, the Garic vs. Dalcour. elder, defendant: Jean Baptiste Garic states that between the 1st and the 9th of last October, a contract under private seal was passed with Sr. Dalcour, the son, for rice and corn, when they gathered their crop, at cash price, to the sum of 600 livres, which the plaintiff counted to defendant. The Council has rendered judgment in default against defendant, and orders that he be cited again at the next session. Costs pending.

December 12. Letter, signed Layssard, to Monsieur Ancelain at New Orleans, concerning 1000 No. 18. 1 p. N.P. livres which he promises to remit on the Cotte XXX. 15th instant.

Letter by de Chavannes, sending Lays-Letter of Layssard; also one of de Chavannes to Ancelain. sard's letter, so that he may see for himself; they wish him to finish with them without delay. If he knew them as well

as his correspondent, he would try to borrow that sum from him. He also sought information on who would lend at interest, without having been able to find anyone, at which he is much mortified.

There are two addressses on last page: Mr. de Launay, at his plantation; Mr. Ancelain.

Last page of document torn.

Letter from Chapart to Ancelain: He has December 15. given Mr. Verbois his procuration, in good Listed YYY.
Letter of Chapart to
Ancelain.

form and legalized, which he is to remit
to his Attorney; and if he does not come
back to the Colony, he is to send him.
either in coin or merchandise, the sum which Mr. de Louboey
promised him. He is mortified to have to make him wait, but

he will not lose thereby. He begs him to believe him, with all the gratitude and friendship possible, his obedient and humble servant.

This letter is dated from Mobile.

Pinned to the previous letter is another from Chapart, dated from Mobile, February 7, 1749, addressed to Ancelain in New Orleans. He tells him that there is noth-

ing more faulty than to owe; that he trusted to persons whom he put on their feet, and now they would not give him a glass of water, and he is more desolated because the King's ship on which he is to take his congé is near. He has only what the King pays him. He must hope a little longer, and he will not be paid by ingratitude.

Document in good condition.

(To be continued.)

## INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA

LII.

(January, 1783)

(Continued from October, 1936, Quarterly)

By LAURA L. PORTEOUS
With Marginal Notes by Walter Prichard

Spanish officials appearing in this installment:

Estevan Miro, Colonel of the Fixed Regiment of Infantry in Louisiana, Commander in charge of the Political and Military Government of this Province, by disposition of His Excellency Count Galvez, Lieutenant General of the Royal Armies, Governor and Captain General of the Province of Louisiana and West Florida.

Martin Navarro, Intendant General of this Province and of the Royal Treasury.

Alcaldes: Juan Ventura Morales; Francisco Josef Le Bretton d'Orgenoy; Francisco Maria de Reggio (1784); Nicolas Forstall (1784-1785); Joseph Orue (1786).

Escribanos: Fernando Rodriguez; Rafael Perdomo; Juan Doroteo del Postigo; Leonardo Mazange; Luis Lioteau (1786).

Attorneys: Francisco Broutin; Antonio Mendez; Fernando Rodriguez.

Appraisers: Carlos Onorato Olivier; Gaspar de Aranda; Jose Adrien de la Place.

Doctors: Joseph Montegut, Chief Surgeon; Robert Dow, Physician of the Royal Hospital.

Surveyors: Carlos Laveau Trudeau, Royal Surveyor; Gilberto Guillemard, Surveyor.

Juan Doroteo del Postigo y Balderrama, Auditor of War and Assessor General of the Province.

Luis Lioteau (or Liotaud), Official Taxer and Translator.

Juan Josef Duforest, Public Interpreter.

Nicolas Fromentin, Deputy Sheriff.

Francisco Blache, Mayordomo de los Propios (City Treasurer).

Bernardo de Otero, Accountant of the Army and Royal Treasury, acting as Fiscal.

Arturo O'Neal, Lieutenant Governor of Pensacola.

January 13, 1783.

Juan Caduc vs. Francisco Audiber.

No. 3328. 6 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

To collect a debt.

This suit to collect a debt is of interest only for the procedure employed in the case. The plaintiff presents a note for 98 piastres, 3 escalins, and states that the defendant owes him the abovesaid amount. He prays to have him ordered to verify and pay the obligation. Miro, on Postigo's advice, rules accordingly. Francisco Audiber declares it is true that he did owe 98 pesos, 3 reales, but he has already paid 24 pesos, 4 reales, on account.

Juan Caduc avers that it is evident from the above declaration, the defendant owes him 98 pesos, 3 reales, and although he says he has paid 24½ pesos (24 pesos, 4 reales) he does not produce any document to prove it, therefore he petitions for a writ of execution against Audiber's person and

estate to the full extent of the debt, its one-tenth and costs. Miro, on Postigo's advice, orders the writ of execution issued for 98 pesos, 3 reales, the one-tenth of this amount and costs. The next entry filed is the writ. Then Nicolas Fromentin, Deputy Sheriff, serves the writ and reports to the Court that he ordered Francisco Audiber to pay Juan Caduc what is due, but he did not show any property that might be seized, therefore he arrested the defendant. This ends the proceeding.

January 13.

Executory Process.

Joseph Foucher, Treasurer of this City, vs. Fernando Rodriguez.

No. 28. 6 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

To collect a debt.

This suit is entered under 1783, but it really belongs to 1784.

Joseph Foucher, Treasurer General of this city, sets forth that according to the public instrument he presents, Fernando Rodriguez, Escribano Publico of the Government and Cabildo (Notary Public and Minute Clerk), is a debtor to him for 1024 pesos, and though he has made many efforts to collect he has not been able to do so. He prays for a writ of execution against all, or any of the defendant's estate to the full amount of the obligation, its one-tenth and costs. Miro, on Postigo's advice, orders the writ issued.

This suit to collect a debt is of interest only for the procedure employed in the case.

The next record filed is the certified copy of the Notarial Act, the instrument mentioned in

the petition, executed before Rafael Perdomo, dated February 8, 1783, wherein Fernando Rodriguez declares that he is obligated to pay Jose Foucher 1024 pesos.

This is followed by the writ of execution signed by Miro and the report of the service of same by Nicolas Fromentin, Deputy Sheriff, who notifies the Court that he went to Fernando Rodriguez' house to carry the writ of execution into effect, but could not find anything to seize, therefore he left the execution open to make recovery when it may have place.

Joseph Foucher petitions, saying, as it appears from the Deputy Sheriff's report there was nothing to seize from his opponent, therefore he prays the Court to order that seizure be made in the Escribano's office upon what he has there and upon his person. Miro, on Postigo's advice, decrees: Let the execution, that this party prays, be carried out upon the property he mentions. This ends the record.

January 13.

Alberto Grima vs. Constan Tardif.

No. 57. 4 pp.

Court of Governor Estevan Miro.

No Assessor.

Escribano, Juan del Postigo.

To collect a debt.

This suit is of interest to the historian for the light it throws on the governmental connection of Pensacola with Louisiana, after the English posts in the Floridas had been captured by the Spanish during the War of the American Revolution, and before Spain had been confirmed in her possession of the Floridas by the treaty which ended that war.

The plaintiff presents two notes and declares that Constan Tardif, of Pensacola, owes him 3300 pesos for merchandise, which he has not been able to collect. He has been informed that Tardif is a prisoner in the Fortress of Pensacola, therefore he prays the Court to order the Governor of the said Fortress to compel the defendant to pay him without delay. Miro orders a writ of dispatch issued in due form and sent to Arturo O'Neylle (O'Neal), Lieutenant Governor of the city of Pensacola, enclosing with it a copy of this petition and decree, authorizing him to have Tardif acknowledge the two obligations presented, and, should he owe the amount, he

must pay and if he is unable to do so, seize and sell his property at auction and he must give the Governor prompt notice of its fulfillment through the present Escribano.

A marginal note stipulates that the despatch has been issued as was provided by the decree on the reverse side of this page which he delivered to the party in a sealed envelope. Attested and signed: Perdomo.

January 13.

Marine Protest by
Juan Dideric Molenhawer
to prove the damages to
the Brigantine under his
command, named the
"Juan de Hamburgo,"
were through no fault
of his.

No. 66. 41 pp. Court of Intendant Martin Navarro. Assessor, Juan del Postigo. Escribano, Rafael Perdomo.

This case is of interest to the student of legal procedure in Spanish Louisians, as the case was brought in the Court of the Intendant, who had jurisdiction in all cases dealing with commercial or maritime matters. It is of interest to the historian for the light it throws on the dangers to commerce with Spanish Louisiana at this time, on account of the War of the American Revolution, when the English were trying to sweep enemy commerce from the seas.

Juan Dideric Molenhawer (signs himself Johan Diederich Mollen Hauer) Captain and Master of the Brigantine, called the "Juan de Hamburgo," appears before the Escribano and witnesses to make a Marine Protest. He sets forth that he cleared from Bordeaux on the 10th of last October for this Port, as the despatches he exhibits will show. He was not able to complete the voyage because of the swift currents he experienced. The ship had leeway until they examined the sounding at Fortuguillo on the 22nd (of December). At this place he saw two English Corsairs to windward, three quarters of a league away. Just as soon as the enemy sighted him they gave chase, and recognizing it would be impossible to resist their greater force, there was no other alternative than to flee, because of what he could see on the Therefore he dinearby coast. rected his course to this Port so

as to avoid a total loss. To accomplish this it was necessary to seek the shelter of the East Pass of the Balize of this River, on the 24th of December. The Corsairs came upon them from the stern and in consequence he sailed for the said Pass to ask help from the Commander at the Balize and for the purpose of doing whatever might be necessary to save the ship, which was accomplished by prompt action well directed. The working of the ship has suffered greatly by this accident. There was the loss of three anchors: one weighing thirteen hundred-weight with 100 fathoms of cable; the second, 11 hundred-weight with sixty fathoms of cable; and the third, three and one half hundredweight with sixty fathoms of stream cable. They also experienced the following damages: the iron work of the rudder broken, the false keel lost, the spars of the between decks broken, sixty feet more of stream cable destroyed, that held the rudder fast, so as not to suffer greater loss. Four balls with their buoy-ropes were also lost with the anchors that he has mentioned. A dozen and a half block and tackle pulleys unserviceable, the greater part of the riggings broken, two yard-arms of the main sail and one of the sprit-sail useless, the large boat entirely damaged, two stays of the fore top-sail broken and the stem shattered. Therefore, to finance the repairs and to careen

the ship to a total incline that it must have to be put in navigable condition to continue her voyage to her destination, Bordeaux, will entail very great expenses, besides those caused to hire a boat to remove the cargo at the Balize and the day wages that were paid for this purpose, the receipts for which he holds in his possession. Considering that he is not at fault regarding the said loss and because he has performed his obligations as far as possible, he protests for the first, second, third, and, more, the rest of the times that he may by law and are necessary in justice, as he can and must, and that all the losses, damages, prejudices and injuries occasioned must not be placed to his account and risk.

The Captain of the "Juan de The Captain petitions to call witnesses. Hamburgo," in a petition, states that as attested in the certified copy of the Marine Protest included with this, he has suffered considerable damage to his ship as well as losses sustained, mentioned in his Protest, as a result of having been grounded. Considering that this accident was through no fault of his, may it please the Court to order that action must not be taken against him at any time, for the costs that may have been occasioned. He further prays to have witnesses summoned, that he will present, to give testimony, under oath, upon what he has declared in his Protest, and done deliver their depositions to him so that he may further what is convenient to him. Martin Navarro rules: The certified copy of the Protest having been delivered, let the testimony be received that this party offers for the purpose. Let the witnesses appear in my Tribunal, the fifteenth of the current month, and done deliver their declarations to the interested party.

Juan Westefel appears in the Testimony of the First witness. Court Room before Martin Navarro, Intendant General of the Royal Treasury, and Juan del Postigo y Balderrama, Auditor of War and Assessor General, also of this Province, as a witness for Juan Dideric Molenhawer. He testifies that he was employed as quartermaster of the Brigantine, the "Juan de Hamburgo," which sailed from Bordeaux for this Port. It was not possible to clear the channel to continue the voyage because of the great and violent contrary currents. They drifted and had leeway until they examined the sounding at Fortuguilla, on the 22nd of December. At that place they saw two English Corsairs to windward at about three leagues distant. Just as soon as they were sighted, the said Corsairs gave chase, and realizing it was impossible to resist their greater force, there remained no other alternative than to flee. because they had already seen on the near coast what appeared to be, or were, prisoners of war. They took what they thought was the most effective remedy, which was to direct their course to this Port, seeking shelter at the South-east Pass at the Balize of this River, December 24th, from which direction the said Cor-

sairs came, pursuing them and keeping up with them for eight days, plying to windward on the said coast. By this hasty flight, to avoid a greater loss, they suffered that of being grounded by the stern, in such a manner that it forced them to accept assistance at the Balize. With this help and by lightening the ship of some effects of great weight, consigned to them to make it navigable and also to save it, but these efforts did not prevent the losses they suffered of three anchors, one weighing thirteen hundred-weight, with 100 fathoms of cable, the second, 11 hundred-weight, with sixty fathoms of cable, and the third, three and one half hundred-weight, with sixty fathoms of stream-cable, and also four balls with their buoy-ropes, and damages, such as the iron work of the rudder broken, the false keel lost, the spars between decks also broken, sixty fathoms of stream-cable to hold the rudder fast, so as not to lose it, were destroyed. One dozen and a half block and tackle pulleys are unserviceable, a great part of the riggings broken, two yard-arms of the main top sail and one of the sprit sail rendered useless, the large boat very much damaged, two stays of the fore top sail broken and the stem destroyed. He answered that what he has declared is the truth, under oath, and that he is twenty nine years of age. He signed with His Lordship, Martin Navarro, and the Assessor General, Juan del Postigo (whose signature does not appear); attested before Rafael Perdomo, Escribano of the Royal Treasury.

Pedro Arzintian (Christian Petersen), Pilot, Juan Du Zoullean (Cadonin Durouttean), Harbor Pilot, Christoval Runquie, Master Carpenter, Enrique Glot, Helmsman, each in a separate declaration, testify, telling the same story as does Juan Westefel, the first witness.

Captain Molenhawer now The declarations of the witnesses were delivered to Captain Molenhawer. states that they have delivered to him the declarations of the witnesses, as he requested in his first petition, therefore may it please the Court, in consideration of the testimony produced, to decree that the losses and damages the Brigantine under his command sustained were not from lack of intelligence, nor through fault of his, and to declare them as unavoidable, interposing for its greater force and validity, his authority and judicial decree. Navarro sends this petition to his Assessor, and upon receipt of his advice passes sentence in these words: Attentive to the testimony that Captain Dideric Molenhawer has submitted, it has been attested that the losses and damages that the Brigantine under his command has suffered resulted from running aground while fleeing from the enemy and not through either negligence, or ignorance, on the part of the said Captain. His Lordship says that now, in the best form that may have place

in law, he approved and did approve (his actions) as lawful and correct, and for its greater force and validity His Lordship interposed and did interpose his authority and judicial decree. Let the costs be taxed and paid by the said Juan Dideric. Assessor's fees, forty reales.

Taxation of costs.

Luis Lioteau, official taxer, is notified, accepts and takes oath to make the taxation of costs.

The Captain makes a last petition.

The petitioner states that, in order to be able to satisfy those

legitimately concerned of all that has occurred, and so that he can in no way be held responsible for the loss and costs that have been incurred, may it please the Court to order the present Escribano to give him complete certified copies of these proceedings, authorized in public form in such a manner that these copies may have credit, and he will promptly pay the just fees. Navarro rules: Let this party be given the certified copies that he requests, upon his paying the just and due fees for same. Luis Lioteau taxes costs at 4 pesos, 5 reales.

January 13.

Juan B. Pomet vs.

No. 80. 8 pp.

Court of Governor Esteban Miro.

No Assessor.

Escribano, Rafael Perdomo

To collect a debt.

This suit to collect a debt is of interest mainly because of the fact that, after the suit was filed and the court had issued a writ of execution against the defendant, the case was compromised out of court by the litigants, which action the court approved and filed as a part of the record in the case.

Juan B. Pomet says it is evident from the three notes he presents that one named Armant (Joseph Maria Armant) owes him 1792 pesos, 61/2 reales, which he has been unable to collect. He prays to have his opponent ordered to pay this sum, or give bond for it, and that he must not be permitted to leave this Capital until this suit is finished. Miro orders the defendant to acknowledge the debt, and done return his declaration to the Court, so that upon seeing it a suitable ruling may be rendered. Armant, under oath, acknowledges the debt and his signature.

Next on file are the three notes: The first, dated October 21, 1768, is for 2213 livres, 10 sols; the second, dated August 15, 1768, is for 172 livres, 10 sols; the third, dated October 21, 1768, is for 6577 livres, 18 sols.

The plaintiff then petitions, saying that in accordance with the foregoing declaration, the debt exists, therefore he prays for a writ of execution to the extent of the amount due, its one-tenth and costs. Miro orders the writ issued in favor of Juan Pomet against all, or any, of Armant's estate to the full amount of 1792 pesos, 6½ reales.

A marginal note states that the writ which was ordered has been issued. A lower note stipulates that on the same day the writ was returned by the said party because he had compromised with his debtor, to which Perdomo attests.

Here follows the writ of execution signed by Estevan Miro, which ends the record.

January 13.
Second copy book.
Incidents of the Concursus of Creditors vs.
the succession of Manuel
Ponse Pasquin.

No. 90. 81 pp. Court of Governor Esteban Miro. Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit for the settlement of a succession, the deceased seemingly having owed obligations to a great many individuals, is of interest to the student of Louisiana law because of the distinction made between privileged and unprivileged debts, and because of the fact that the affair was not finally settled until more than four years had elapsed.

Second Creditor asks to be paid.

Juan Ventura Morales presents a note for 485 pesos, 1½ reales, dated September 4, 1782, due Thomas Porée and signed by Manuel Ponse Pasquin, which the former endorses over to Juan Ventura Morales, on October 28, 1782. This note forms the basis of the plaintiff's suit. He says it is evident from the above that Manuel Ponse Pasquin owes him 485 pesos, 11/2 reales. He asks to have the testamentary executor, Jose Dias, verify the obligation. Miro grants the petition. Dias, under oath, declared the signature to be that of the late Manuel Ponse Pasquin.

Juan Suiray (de la Rue) presents two bills and claims 1495

Josef Maria de la Barba, with-

pesos, 5 reales, is owed to him by the Pasquin estate. He asks to have the debt verified by the Executor. The Court rules accordingly. Joseph Dias verifies the late Mr. Pasquin's signature.

Third Creditor petitions for settlement.

out presenting any exhibit, states that Pasquin, a few days before he died, asked the loan of 200 pesos to pay Antonio de Argote a larger amount. Because of friendship, he lent the money, in silver, without any other security, or obligation, than his word. In case it is necessary, he can prove it. He asks to have Dias declare whether Pasquin, when he made his will, mentioned the loan, and done let the Executor's declaration be delivered to him so that he may promote what is convenient to him. Petition granted. Dias, under oath, testifies that when Pasquin became seriously ill he made his will and at the time he said he owed the petitioner 200 pesos, but in his memorandum it appears a part of the debt has been settled by the supplies he had furnished to Mr. de la Barba during the time he had lived with Mr. Pasquin; and because the inventory of the papers has not been made yet he can not affirm what is still due the plaintiff, nor what the latter owed the deceased.

Christobal de Armas y Arcila claims that the late Mr. Pasquin owed him an account amounting to 420 pesos, 2 reales, for various effects. He petitions to have his Executor verify the obligation. Miro orders Dias to swear and declare whether or not the debt is just. This petition and ruling is followed by Mr. de Armas' bill for 420 pesos, 2 reales. The Executor acknowledges a debt is due the petitioner, but he does not know for what amount. Two nights before Mr. Pasquin died, he called him to note down some entries he had forgotten to write in his Account-Book, but this was not the only one, and he can not recall to mind the exact figures.

Pedro Teniere and Juan La Fontaine present a bill for 1101 pesos, 1 real, for merchandise, which they claim the Pasquin estate owes them. They ask to be paid in preference to the other creditors. Miro rules: The accounts having been presented, let this representation be attached to those of the Concursus, and in due time he will decree what will be according to justice.

Jose Dias, Manuel Ponse Pas-Sixth Creditor asks for a settlement. quin's Testamentary executor, presents a bill and note and sets forth that the decedent's estate owes him 743 pesos, 3 reales, and whereas Pasquin has left several passive debts, for this reason a number of creditors have presented themselves asking for a settlement of their claims, therefore may it please the Court to collect together the petitions and documents produced and all else appertaining to this suit, so that when payment will be made to the said creditors, he may present himself as such, because he is. He further prays to have the Escribano compare the penmanship and paraph which ends the exhibits he presents, namely a liquidation of accounts, with others of the deceased. Miro decrees: The accounts referred to having been presented, let the Escribano make the comparison (of signatures) that this party requests, and done attach this Instance to the other representations that the several creditors have made, so that they may run in a separate copy book, and for this reason not obstruct the main course of the proceedings for the settlement of the succession.

Comparison of signatures.

Pursuant to the foregoing decree, Rafael Perdomo, having borne in mind the signatures on pages 1, 5, 6 and 20, already presented, that are said to be those of Manuel Ponse Pasquin, on the notes filed by Juan Ventura Morales and also a paper bearing the same name, upon seeing and examining them with great care it appears that, although Pasquin varied the formation of some letters, they all seem to have been made by the same person as those to which he refers.

Morales makes a second petition.

Juan Ventura Morales avers that the records of the case together with the declaration have been delivered to him, which Jose Dias, Testamentary Executor of the Pasquin estate, has given at his instance, wherein he acknowledges that the signature ending the obligation he presented in these proceedings, is the same the deceased is accustomed to make, therefore may it please the Court to order a sale of the Pasquin property, at auction, and from the proceeds let him be paid the full amount of the obligation, as he has demanded. Miro rules: A decree was rendered for the auction sale in this hearing, on the written petition of Jose Dias.

Dr. Montegut petitions.

Josef Montegudo (Montegut),
Surgeon of the Royal Hospital,
presents his bill for 40 pesos for medical services to the late Mr.
Pasquin, from May to December of 1782, and asks to be paid.
Miro orders the debt paid, because Dr. Montegut is a privileged
creditor and for this reason must not be entered in the Concursus with the other creditors.

Pedro Blanco presents a bill and says that Pasquin owes him 25 pesos, and considering the small amount, it is not worth being treated judicially, because of costs. He prays that the Executor be ordered, under oath, to verify the signature and paraph, and if the result conforms to what he has deposed, he be paid the sum under his receipt. Miro orders Dias to verify the debt, and done file this claim with the proceedings of the Concursus, and in due time a decree will be rendered. Dias verifies Pasquin's signature.

Francisco Broutin petitions. Francisco Broutin, Curator ad lites of the minor children of Manuel Ponse Pasquin, states that the inventory of the succession having been approved, he prays for a sale of the estate, with payment to be made for same, six months from date, after the public calls have been given, as the law requires. Miro orders this petition sent to the other creditors.

Juan Ventura Morales, Messrs.

Tenier and Lafontaine, Christobal de Armas, Josef Dias and Josef de la Barba, each in a separate petition, oppose Broutin's request to sell the Pasquin estate on six months credit, and pray the Court to declare it without place and order the sale made for cash. In each instance Miro orders the petitions sent to the other creditors.

Fernando Rodriguez, defender of Maria Gandulfo, wife of the late Manuel Ponse Pasquin, answers Francisco Broutin's petition by stating that he considers it of great benefit to the succession

to sell on credit, and prays the Court to order the sale made as requested by the Curator. Miro accepts the petition and later decrees: Whereas the greater part of the creditors of Manuel Ponse Pasquin do not consent to a sale of the estate on a six months credit, as the Curator of the minors requests, he must declare what the latter petitions as without place, and in consequence let them proceed to the sale of the said property on the twenty-fifth of the current month, previous to which the formalities of law must be complied with. Let the interested parties be cited.

Louis Badore (Boisdore) avers that Mr. Pasquin owed him one year's rental, for the house in which he died, at the rate of 12½ pesos a month, which amounts in all to 150 pesos. He prays to have Josef Dias declare whether in the books, wherein the deceased entered his debts, there appears the item he has set forth. Miro orders the Testamentary Executor to swear and declare as petitioned, and done let his declaration be delivered to Mr. Boisdore. Jose Dias declares that in Pasquin's book of accounts there is an entry that the deceased paid his rent up to August of last year, therefore he owed Luis Boisdore 51 pesos, 7 reales, only, for the 5 months he occupied his house and did not pay rent.

Luis Boisdore answers Dias' declaration. Luis Boisdore answers Dias' declaration by asking the Court to order the Executor to pay him the 51 pesos, 7 reales, that Pasquin's books show he owed the petitioner for the rental of the house. Miro orders the debt paid.

Antonio Villafranca asks to be paid.

Mr. Villafranca presents a note, dated November 27, 1782, for 64 pesos, and sets forth that in order to take action for what concerns him he prays that the Testamentary Executor be directed to verify the note. Miro rules accordingly. Dias, under oath, declares the signature to the note to be that of the late Manuel Ponse Pasquin.

Juan Ventura Morales again petitions.

Juan Ventura Morales, in a petition, states that as this cause is about to be concluded and as it is necessary for him to leave the city, because of a superior order, and as it is impossible to leave this matter pending, or to confide it to anyone, therefore he prays the Court, considering the circumstances, to decree that he be paid the 485 pesos, 1½ reales. Miro orders the debt paid, with the condition that Morales must refund all, or a part of this amount, if when the definitive sentence will be passed, there will not be sufficient funds for the payment, in full, to this party and the other creditors from the proceeds of the sale of the Pasquin estate. He must leave a receipt to affirm this, as well as an obligation which will be binding either upon himself or his attorney.

The Receipt.

Juan Ventura Morales, before the Escribano and witnesses, acknowledges to have received from Josef Dias 485 pesos, 1½ reales, that were due him from the Pasquin estate in consequence of an endorsement made to him by Thomas Porée, as appears by the obligation presented in these proceedings for the settlement of the succession and the decree rendered by acting Governor Miro under the conditions expressed therein.

Francisco Riaño petitions to be paid a late Mr. Pasquin owed him 104 pesos, 5 reales, due for 185 pounds of chocolate sold to him. He prays the Governor to order this instance filed with the second book of documents, that the creditors have collected together, until an opportune, time. Miro orders this instance attached to the Concursus of Creditors, and in due time he will decree what will be according to justice.

Francisco Carcasses petitions to be paid. Francisco Carcasses presents a note dated November 4, 1782, for 50 pesos, signed by Manuel Ponse Pasquin, in favor of Mr. Baure and endorsed to Mr. Carcasses, who asks the court to order this petition and document filed with those appertaining to the same matter, so that when the opportunity presents itself a decree will be rendered. Miro rules: File with the records, and in due time he will decree what corresponds to justice.

Mr. Camius, or Camus, acting for Mr. Sarpy, as appears from the power of attorney duly presented, avers that Manuel Ponse Pasquin owed his client 46 pesos which he lent him, in cash, and up until now he has not been paid. He prays to have the Executor ordered to pay him this amount, under a receipt that he will promptly draw up in the name of the said Sarpy. Miro decrees: Proving the debt to be just, and presenting the power of attorney that Mr. Sarpy has conferred upon him to receive the amount demanded, a decree will be issued in due course.

Josef Maria de la Barba again petitions. The petitioner sets forth that for purposes convenient to him he prays the Court to admit the depositions of the witnesses he will present, who will testify whether it is not true that he paid Antonio Argote at the instance of Mr. Pasquin, before the former left for Havana, the amount he claims the deceased owed him, and done deliver their declarations to him so that he may further what is favorable to him. Miro rules: Admit for this party the testimony he offers, and done deliver the depositions to him.

Josef Maria de la Barba presents, as a witness, Christobal de Armas y Arcila, who under oath declares that all he knows of

the matter is what Antonio Argote told him, namely, that he had obtained the payment of the money which Manuel Ponse Pasquin owed him. It was paid by Jose Maria de la Barba, but he does not know what the sum amounted to. Miro cites the parties for the definitive judgment.

Taxation of Costs.

Taxation of the costs of the case at 72 pesos, made by Luis Lioteau, on November 15, 1783.

Felix de Materre, acting for the creditors, petitions.

Felix de Materre, acting for Juan Suriray (de la Rue), Antonio Cavelier and Christobal de Armas,

all creditors of the estate of the late Manuel Ponse Pasquin, avers that much time has elapsed and that the suit entered at the death of the aforesaid has come to a standstill while they suffer for the lack of the money due them, therefore, and so as to be able to petition according to law, they pray the Court to order the records of the case delivered to them. Miro, on Postigo's advice, rules accordingly.

The next entry is a statement Felix de Materre further petitions. signed by Josef Dias, dated May 5, 1784, to the effect that he has paid Mr. Surire (Suriray de la Rue) 500 pesos from the Pasquin estate. This said statement is presented by Mr. de Materre, acting for Juan Suriray (de la Rue), who sets forth that according to the definitive ruling, on page 478 of the Succession of Manuel Ponse Pasquin, (See Dec. 21, 1782,) by proration, for the 613 pesos, 7 reales, due his client he received 500 pesos only, as the Executor's statement duly presented proves; in consequence whereof, and from what is in the possession of Josef Dias from the estate of the deceased, he must also have funds proceeding from the reimbursement that the said records provide should be made by Juan Ventura Morales. He prays the Court to order Dias to pay the 113 pesos, 7 reales, still due Mr. Suriray. In a second petition he states that Dias will shortly leave the city; he prays that he be ordered not to do so until this suit is finished, and asks to have the secretary of the Government notified not to issue a passport to him. Miro, on Postigo's advice, grants both petitions. This ruling is dated March 4, 1786. Escribano, Rafael Perdomo, notifies the Court that he went to Josef Dias' house to inform him of the foregoing ruling and was told by a mulattress that the said Dias had left the day before for Vera Cruz.

Josef Dias returns to New Orleans. By March 3, 1787, Josef Dias is back in New Orleans. He presents a petition asking for the records of the case, so that he may further what is convenient to him. Miro rules: As it is prayed.

In a second petition the Exe-Dias makes a second petition. cutor refers to the decree of June 7. 1783, by which he was ordered to pay Juan Ventura Morales 485 pesos, 1½ reales, that Pasquin owed him on a note made out in favor of Thomas Porée. The said decree also provided that he must refund all, or a part of this amount, in case at the time of the definitive judgment there were not sufficient funds for full payment to Morales and the other creditors. Morales signed a formal receipt under the said conditions, but whereas by the sentence pronounced on January 27, 1784, it was declared by Governor Miro, on the advice of the Auditor of War, that the Pasquin estate owed Morales 199 pesos, 4 reales, and not 485 pesos, 11/2 reales, may it please the Court to order him to refund 285 pesos, 5½ reales. Miro, on Postigo's advice, decrees: Whereas, with what results from the distribution made of the estate of Manuel Ponse Pasquin, on January 26, 1784, it appears that all that was due Juan Ventura Morales was 199 pesos, 4 reales. It also appears from his receipt on the reverse side of page 55, that he received 485 pesos, on condition that he would refund what was in excess, in case at the time of proration it would not be just for him to receive the said amount. Notify Juan Ventura Morales to refund to Josef Dias the sum of 285 pesos, 4 reales.

Juan Ventura Morales answers.

Juan Ventura Morales answers, saying that pursuant to Miro's decree he has exhibited, before the present Escribano, the 285 pesos, 4 reales, to be delivered to Josef Dias. There exists in the records, a corresponding receipt to cover his responsibility to make this reimbursement to the person to whom it belongs. He asks to have the Escribano of this cause give him a certified copy of his written petition on page 254, (See Succession of Manuel Ponse Pasquin,) and the decree that follows it, together with the receipt he granted, the last written petition of Josef Dias and its ruling. He will then promptly pay the just fees for the certified copies. Miro, on Postigo's advice, grants the petition.

Note by Perdomo.

Perdomo makes a marginal note to the effect that in his Archives, on that day, Josef Dias drew up the receipt that was ordered by the foregoing decree, for the sum of 285 pesos, 4 reales, and in testimony whereof he sets the present down on March 14, 1785, to all of which he attests.

A second note reads: Pursuant to the foregoing decree he drew up the certified copies that were requested by the foregoing petition, in 10 pages, which were delivered to Juan Ventura Morales.

Governor Miro's last decree.

On April 27, 1787, Miro, on Postigo's advice, decrees: Inform the present Escribano that the creditors who recently filed claims against the estate of Manuel Ponse Pasquin have abandoned the prosecution for their rights, and from their silence it may be justly inferred that they are now satisfied with their respective payments. Let the costs be taxed by Luis Lioteau, previous to which he must accept and take oath. Let him be notified for this purpose. The said costs to be paid by the Testamentary Executor and Guardian of the estate. Assessor's fees, 12 reales, which must

Taxation of Costs.

Luis Lioteau qualifies, and on April 27, 1787, he taxes the costs of the last proceedings at 18 pesos, 5 reales.

January 14.

Pedro Duranton vs. Manuel Subie

be included in the taxation.

No. 22. 7 pp.

Court of Alcalde Juan V. Morales.

Assessor. Juan del Postigo.

Escribano, Rafael Perdomo.

To collect a debt.

This suit to collect a debt is of no particular interest except for the proce-dure employed in arriving at the sum actually owed by the defendant.

Pedro Duranton presents a note for 170 pesos, dated February 28, 1783, signed by Manuel Subie, in favor of Michel Ler (Laire). The plaintiff asks to have the defendant verify the obligation. Miro, on Postigo's advice, rules accordingly. Mr. Subie acknowledges the debt.

The next entry is an account running from May to December of 1782, which Michel Laire owes to Pierre Durenthon (Duranton) for board, lodging and money lent, amounting to 71 pesos, 5 reales. This bill is presented by the plaintiff, who, in a second

petition, says that Micer Ler (Michel Laire) has transferred Subie's note to him. Therefore, in order to be able to prove that the said Micer Ler owes this money, he prays to have him acknowledge and declare, under oath, that he is indebted to the plaintiff for the said amount.

The Escribano went to the Charity Hospital where he took Michel (Laire's) declaration, under oath. He denies owing the bill, with the exception of the last entry, namely 13 pesos, 5 reales, that Duranton paid to Bolouller for him. (On the bill the 13 pesos, 5 reales, is paid to Jacques Mollon). Besides this, he owes 8 pesos for some drinks of rum: therefore all that he will pay is 21 pesos, 5 reales, which is what he actually owes. The proceedings end here.

January 14.

Francisco Blache vs. George Heno.

No. 3318. 55 pp.

Court of Alcaldes Juan V. Morales, F. M. de Reggio and Nicolas Forstall.

Assessor, Juan del Postigo.

Escribanos, Leonardo Mazange and Fernando Rodriguez.

To collect a debt.

This suit to collect a debt is of interest to the student of Louisiana law because of the complications which arose when the City Treasurer of New Orleans tried to collect a debt due the city by the individual who had contracted to supply the city market with meat. Other creditors came forward to demand that they also be paid. The defendant's house was sold at auction, but as the succession of his deceased wife had never been fully settled other complications arose in the case, as there were minor children whose interest must be considered. The student of social history here finds some interesting material on the matter of supplying the New Orleans populace with meat in that period.

Spanish translation and copy of adjudica-tion of the contract.

The record opens with a bill, dated January 10, 1783, rendered by the City Treasury against George Heno, contractor to supply butcher's meat, amounting to 1959 pesos. The account runs from September 1, 1781, to November 20, 1782. This amount, stipulated, is for meat furnished and the rental of the market for 14 months and 20 days. Francisco Blache, Mayordomo de los Propios (City Treasurer), in a petition avers that George Heno, former lessee for public supplies for this Province, owes the City Treasury 1959 pesos, which he has not been able to collect, therefore he prays for a writ of execution to the extent of the debt, its one-tenth and costs. Morales, on Postigo's advice, orders the bill, which is in French, translated into Spanish by Luis Liouteau.

The next entry is the translation, followed by a certified copy, dated August 4, 1781, of the pro-

ceedings to offer the contract at public auction. Four notices are posted in the accustomed places, the town crier passes through all the streets, calling the lease to supply beef and mutton to this city for a term of four years, to begin the 1st of next September. Whoever wishes to make a bid must go to the Escribano's office and do so any time from to-day up to the 18th of the current month. The conditions under which the contract will be leased, the obligations of the butchers and the fines to be paid, in case of non fulfillment, are all set forth in this document. George Heno makes a bid, offering 400 pesos, to be paid in accordance with the conditions stipulated, and it is adjudicated to him.

Filed immediately after is an-Copy of a complaint made because of the shortage of meat. other certified copy of a complaint made by several residents because of the scarcity of live stock, owing to the continual death rate among them in transit to the city. It was proven that the meat stalls were unprovided with beef, mutton and game, and that it was impossible to force the obligations to supply the people more abundantly. After several suggestions were offered to make good the shortage, the residents of the different Coasts agreed to ship at the rate of 10% upon the stock that exists, or might exist, to be sold at 3 pounds for 2 reales, it being well understood that the profits from the sale will be used for the benefit of the troops, or for the purpose that the President (of the Meeting, Bernardo de Galvez) will be pleased to dispose, and that the public will be notified that a pound of meat at the stalls of the contractors and on the levees, salted, or game, will be sold at ½ real. Those signing with the Escribano (Leonardo Mazange), are Bernardo de Galvez, Pedro Piernas, Pedro Duberge (de Verges), Francisco Maria de Reggio, de la Barre, Arnoult, Manuel Andres Armesto, Olivert (Olivier) Maxent, Enrique Desprez, Chevalier de Macarty, Le Blanc, de Villeneuve, Chevalier de Morant, Dutoribe (Dauterive), Duboucler, Prevot (Prevost), Delile Dupard, Olivier de Foriele, Baure, Francisco Delery, Magnemara (Macnemara), Kerignon (Kernion), Lorenzo Wiltz, Larche. Before Leonardo Mazange, Notary and Clerk of the Cabildo.

Francisco Blache petitions for certified copies of past proceedings.

On February 17, 1783, Francisco Blache petitions to have the Escribano of the Cabildo give him

a certified copy of the deliberations of December 25, 1779, relative to the contract to supply meat to the city, adjudicated to George Heno. (This constitutes the foregoing certified copy already mentioned.) Morales then, on Postigo's advice, rules on the plaintiff's first petition, ordering a writ of execution issued against the person and estate of George Heno for (one thousand) nine hundred and fifty-nine pesos, as well as the costs caused, or to be caused, up to its real and effective payment. A marginal note states that the writ which was ordered has been issued. The writ, and Nicolas Fromentin's report on the service of same follows. He notifies the Court that George Heno did not pay his debt, and finding he owned nothing but his house he seized that.

Petition to have the defendant's house George Heno's house that was seized cried for public sale. Mo-

rales, on Postigo's advice, rules accordingly. The three calls are made on March 24th, April 2nd, and April 12th. These calls having been made, Blache asks to have the day set for the auction. Morales names Monday the 5th of the current month (May) as the day for the sale. The auction is held in the presence of Juan Ventura Morales. They proceed to sell George Heno's house, situated on Dumaine Street, adjoined on one side by Gabriel Dubertrand's real property and on the other by that of Widow Deruisseau (Desruisseaux). After spirited bidding the house is adjudicated to Manuel Dias de Lara for 3000 pesos.

Concursus of Creditors of George Heno. The Concursus of Creditors of George Heno is bound in the same folio with the suit, Blache

vs. Heno. The first to present his claim is Pedro Marzo, a free negro, who through his attorney, Francisco Broutin, sets forth that he has served George Heno for four months, as butcher, at the rate of 15 pesos a month, from January 4, 1781, to May 4th of the same year. He was paid 60 pesos for his labor. Then he worked four other months, from May 17, 1782, to September 17th of the same year, for 20 pesos a month. Eighty pesos are now due him, but he has been unable to collect, therefore he prays to have the defendant ordered to verify the debt. Morales rules accordingly. George Heno, under oath, declares he owes the money but can not pay because he is without funds.

A second creditor asks to be paid.

The second creditor to file a claim is Santiago Hoursolle. An entry on page 28, just before his petition, states that the note presented by Santiago Hursol has been removed by decree dated September 26, 1784. Santiago Hoursolle avers that George Heno owes him 162 pesos, as appears from his note, duly entered, (removed by order of Court, as above stated,) and although the date of maturity has not yet arrived, his opponent's property has been seized and sold, therefore he asks to have Heno verify the note. Francisco Maria de Reggio, into whose Court the case has passed, orders the note verified. Heno, under oath, acknowledges the obligation.

Francisco Blache, in a petition, avers that at his instance a house belonging to George Heno has been sold for 3000 pesos, one half the purchase price paid in cash and the other half on credit. He asks to receive, on account, the sum of 1500 pesos that the house has brought. Francisco Maria de Reggio decrees: Let the 1500 pesos, the one half the purchase price paid for the house belonging to George Heno, be placed in the possession of the Mayordomo de los Propios, with a deduction of the costs of this proceeding, which must be taxed by the public taxer. Luis Lioteau is notified, qualifies and taxes the costs of the case at 56 pesos, 5 reales.

The defendant grants his power of atcopy of a procuration by which George Heno appoints Vincente Gonzales his agent to represent his interests. Heno then petitions, saying that several proceedings have been instituted for the sale of the house belonging to his minor children, therefore to establish his demands he asks to have the records of the case delivered to him. Petition granted.

Heno asks for the inventory of his wife's estate.

agent, Vincente Gonzales, again petitions, stating that they have delivered to him the records of the suits brought against him. He also needs the inventory, appraisement and other proceedings that were instituted at the death of Maria Luisa Rufin, his late wife. May it please the Court to order them turned over to him, so as to bring about what is convenient to his right. He further sets forth that having sold the house belonging to him and to his minor heirs, one-half for cash and the other one-half to be paid in six months, the time having now been completed, he prays to have Pedro Aragon y Villegas, as debtor for the said one-half, ordered to retain it in his possession, because he is a creditable person. Heno makes still another petition, to the effect that as this transaction is purely a matter of law, Licenciado Juan Doroteo del Postigo, Auditor of War and Assessor General, must be consulted for what has been presented to Your Honor. Therefore may it please you to send him these proceedings and whatever else that has been actuated in the particular, so that with his advice the suit may be prosecuted to its conclusion. De Reggio rules: George Heno's minor children have a curator ad lites, who must defend them. Let these proceedings be delivered to him, so that he may bring about what is convenient to them.

George Heno files still another Heno enters a complaint against his chil-dren's curator. petition, saying that Francisco Broutin was named Curator ad

George Heno, through his

lites to his minor children, and whereas it was his duty to have the account of the estate of his late wife, Maria Luisa Rufin, drawn up, three years have passed and he has not attended to the matter in this interval. On the contrary he has presented written petitions against the property that belongs to the minors. as may be proven from the proceedings brought by the Concursus of Creditors against him (Heno). May it please the Court to order all cognizance of this cause excluded, because it is and has been extremely prejudicial to him. Alcalde de Reggio sends this petition to the Auditor of War for legal advice, and upon receipt of it rules: Let the decree of January 2nd (December 2, 1783) be carried into effect, wherein it was ordered to deliver the records of these proceedings to Francisco Broutin, Curator ad lites (to the minor children of) George Heno, so that in consequence of the defense that he will make in favor of his minors, this Tribunal will render the decision that will be most suitable.

George Heno further petitions. Heno petitions to have Broutin removed to the effect that it has pleased the Court to order the records of the case sent to Francisco Broutin, Curator ad lites to his minor children, so that in consequence of the defense he will make,

a suitable decision may be rendered. Whereas much time has passed and Broutin has not answered, therefore he prays for an order to exclude all cognizance of this cause and also to name Vicente Gonzales, or whomever the Tribunal may judge fit, to act as curator to the minors. The Judge sends this petition to the Auditor of War and, upon his advice, decrees: Let Francisco Broutin be removed from his duty as Curator ad lites to the minor children of George Heno and let Vicente Gonzales be named for the said office, who must be notified so that he may accept, take oath and give bond in due form.

George Heno petitions again,
Heno asks to have de Lara pay him the
remainder due on the house.

George Heno petitions again,
setting forth that the house belonging to him has been sold at

public auction for 3000 pesos to satisfy Francisco Blache's claim for 1959 pesos and since he has been paid, may it please the Court to order Manuel de Lara, to whom the house was adjudicated, to deliver to him the remainder up to the 3000 pesos, and done he will promptly give him the necessary receipt. De Reggio, on Postigo's advice, decrees: Let George Heno be paid the 1041 pesos that are still due on the house sold on September 18, 1784, and bought by the said Manuel de Lara for 3000 pesos, to satisfy a claim of 1959 pesos the said Heno owed the City Treasury. Alcalde de Reggio further rules: That for the greater security of the minors, their father must give bond for the amount he will receive. On September 26, 1784, the Judge of this cause further rules: Considering that George Heno has not given bond as he was ordered to do, and the prejudices that holding back (the money) will occasion to the minors, let Manuel de Lara be notified to deliver all the funds he has in his possession, coming to them from the sale of the house that was adjudicated to him, without deduction of anything for any reason whatsoever, except for the cost of this suit, to Juan Joseph Duforest, who will hold it for one year, at interest, according to usage and custom, and for which he must give sufficient bond.

Hoursolle asks the return of his note. Santiago Hoursolle petitions, saying that in the proceedings brought by the Concursus of Creditors of George Heno, he has filed a note for a certain amount, and considering that on this day the said note is absolutely necessary to him, he prays to have the Escribano ordered to return it to him. De Reggio rules: As it is prayed, his receipt for same to be placed at the end of this decision. Hoursolle gives his receipt for the note, filed on page 28, the fact of which is stated on that page.

Heno petitions to be permitted to use his children's money to buy a plantation.

George Heno avers that by a ruling to his petition of the 18th of the current month (September, 1784) de Lara was ordered to deliver 1041 pesos to him,

and for which he must give a corresponding bond, and when it was not possible for him to execute one, it has pleased the Court to order that because he did not obey its decision, the said 1041 pesos was to be placed in the keeping of Juan Josef Duforest, Public Interpreter of this city, for one year, he to pay the corresponding interest in favor of the minors. It is now Heno's intention to invest the said amount in a plantation and live stock for the greater benefit of his children; therefore he prays to have this last decree suspended and that he be permitted to purchase the plantation in the name of the minors, so that they may not at any time sustain a loss. De Reggio rules: Let the order be fulfilled as regards what belongs to the rights of the minors, for the increase and profit that will result to them.

Lara asks to be paid rent for the time Heno has occupied the house since the sale.

Manuel Dias de Lara states that he has been notified of a decree by which he must deliver the 1041 pesos remaining due to the

succession (of Mrs. George Heno) from the 3000 pesos, the full amount of the purchase price of the house and lot adjudicated to him at public auction. And whereas the money has remained in his possession for a long time, it was through no fault of his. Then it pleased the Court to order the 1041 pesos delivered to Mr. Duforest, as appears from a later decision, therefore he prays to have the corresponding quittance issued to him in authentic and due form. He further states that in the meanwhile Mr. Heno and his children have occupied the house, actually for 17 months, and he prays the Court to order that the 80 pesos that Heno paid him for the first five months be deducted from the 1041 pesos, and that he be condemned to pay the remaining 192 pesos to which the rental amounted, together with the costs and all other expenses that are in conformity to law. De Reggio rules: As it is prayed, and let this party reserve the right so that now, or when convenient to him, he may demand what is due from George Heno.

On March 7, 1785, George Heno asks to have Duforest turn over to him the money belonging to his minors. Nicolas Forstall, into whose court the case has passed. He states

that by disposition of the preceding Judge the 1041 pesos belonging to his minor children were turned over to Juan Josef Duforest, so as not to endanger their assets, on condition that he pay them the corresponding interest. And whereas the children now lack clothing and he is without the means to be able to provide for them, he prays Alcalde Forstall to order Duforest to deliver to him the said sum, and upon receipt of it he will promptly draw up the proper instrument for the security of same. The record ends here.

January 14.

Sale of the property and effects belonging to Arnaldo Magnon and his wife, Enriqueta Roche.

No. 3353. 6 pp.

Court of Alcalde Juan Ventura Morales.

Assessor, Juan del Postigo.

Escribano, Leonardo Mazange.

This case is interesting to the student of Louisiana law because of the light it throws on the legal procedure necessary to obtain permission to dispose of real estate in Louisiana under the Spanish regime.

Arnaldo Magnon avers that it is convenient to him to sell, at auction, all the movable and immovable property he possesses in this colony and prays for a permit to do so. Assessor Postigo rules: Concede this party the necessary permit to sell all the property he possesses. And Morales decrees that he conforms to the foregoing advice, but for his (Magnon's) wife's share her consent must be given for what belongs to her.

Enriqueta Roche, wife of Arnaldo Magnon, gives her consent to the sale. Morales orders them to proceed with the auction. The first, second and third calls are given as required by law, and the sale is held January 28, 1783, before Juan Ventura Morales in the Magnon home. The property

the Magnon home. The property consists of the house and out-buildings, slaves, household effects, utensils, etc. The house is described as situated on Conti Street and fronting on the levee, on a piece of ground near the Powder Magazine. This estate is offered for sale twice, but there are no bidders. The proceeding is unfinished.

January 14.

Bernarda Arciny, a negress slave of Francisco Daniel Dupain, petitions to be granted her act of emancipation.

No. 85. 16 pp.

Court of Alcalde Juan V. Morales.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit, brought by a slave to procure her emancipation through purchase, is of interest to the student of Louisiana law, particularly for the procedure employed in arriving at the value of said slave. For the student of social history it is also of value.

Bernarda Arciny, a negress slave belonging to Francisco Daniel Dupain, avers, in a petition, that she wishes to redeem herself from slavery and has the legal means by which she can gain this benefit, her master having no just cause to refuse it, and there are no obstacles to prevent him from conceding her this favor. She places herself under the protection of the Court, and in consequence prays that a decree will be rendered naming an expert appraiser for her and that her owner do likewise, and that these two proceed to place a value upon her. In case of discord the Judge will name a third appraiser. Bernarda appoints Jose Manuel Debir to act for her. She further prays that because

of this recourse to the Court, her master be prevented from taking action against her, to have her punished or imprisoned, as he has threatened to do. The petitioner further asks to have her master notified that during this action he can not bring suit against her, with the understanding that she will promptly pay what will be just, which can be taken from her daily wages until the definitive sentence will be pronounced. Morales, on Postigo's advice, decrees: Let the one this party mentions be named as her appraiser, and notify Francisco Daniel Dupain to appoint someone to represent him. These two must accept and take oath before acting. In the second petition, as it is prayed; the abovesaid must not absent himself from this city until this cause is concluded.

Francisco Daniel Dupain anDupain answers Bernarda's petition. Swers his slave's suit by naming
Carlos Onorato Olivier as his appraiser, to place a just price on
Bernarda. Morales, on Postigo's advice, accepts Dupain's appointee and orders him notified to accept and take oath. Carlos
Onorato Olivier qualifies.

Gaspar de Aranda is notified, accepts and takes oath to act as appraiser. Morales, on Postigo's advice, orders the two experts to proceed to the making of the appraisement of the slave on the 18th of the current month, at nine o'clock in the morning, for which purpose they must appear in this Tribunal.

The proceedings to make an estimate take place before Senior Alcalde, Juan Ventura Morales, Carlos Onorato Olivier acting for Francisco Dupain, and Gaspar de Aranda for the slave. Under oath, they undertake to place a just value upon Bernarda. Having taken into consideration her qualifications and talents, Olivier says she is worth 800 pesos, and de Aranda because of her infirmities thinks 600 pesos a good price for her freedom.

Bernarda then petitions for a third in discord. Third in discord since the two appraisers do not agree upon what should be a just value for her liberation. Morales, on Postigo's advice, names Jose Adrian de la Place as the third in discord, since the two appraisers already named can not agree upon the amount Bernarda should pay. He must be notified to qualify, and must appear in the Court on the 21st of the current month, at 8 o'clock in the morning. Adrian de la Place accepts and takes oath.

Jose Adrian de la Place appears before Juan Ventura Morales, and upon having been shown the estimations made by Carlos Onorato Olivier and Gaspar de Aranda, he appraises the negress at 800 pesos. Morales, on Postigo's advice, decrees:

Considering the appraisement made by de la Place, the third in discord, he orders and does order Bernarda notified to exhibit 800 pesos before the present Escribano, and when this is done Francisco Daniel Dupain will draw up the corresponding act of emancipation for the said slave, in virtue of which this cause will be considered as concluded. Let a taxation of costs be made, which must be paid by Bernarda. Notify Luis Liotaud for his acceptation and oath. Assessor's fees, 24 reales.

Bernarda sets forth that in obe-Bernarda asks to have the decree of the Court carried out. dience to the definitive sentence, she exhibited the 800 pesos, at which she was appraised, before the present Escribano, and asks that due fulfillment be given to the said decision. She further states that her master has absented himself from the city, and for this reason she is prevented from the enjoyment of her freedom for a greater length of time than necessary. She prays that Daniel Dupain, her master's father, be ordered to appear and declare, under oath, whether it is true that he is in charge of all his son's affairs, and if so, is he not empowered to draw up the necessary act of emancipation, giving her a certified copy of same. Morales rules: In the principal petition, having exhibited the sum she states, the Escribano will place on record the amount mentioned, and deliver to her a certified copy of the act. In the secondary petition, notify Daniel Dupain to appear, to-day, in his Tribunal to make the declaration as petitioned, and done let the said declaration be brought to the Court, so that upon seeing it a decision may be rendered that will be in conformity to justice.

Rafael Perdomo certifies that Bernarda has exhibited the 800 pesos.

Rafael Perdomo certifies that Bernarda, the slave belonging to Francisco Daniel Dupain has presented and exhibited 800 pesos,

the value placed upon her by the third in discord, and in fulfillment of the foregoing decree he has set down the present numeration and delivered a copy of the act to her.

Daniel Dupain declares, under oath, that it is true his son has conferred upon him his power of attorney to attend to all of his affairs concerning these proceedings. Morales, on Postigo's advice, decrees: That it appears from the foregoing declaration that Francisco Daniel Dupain has conferred his general power of attorney upon his father to prosecute and conclude this cause, because the defendant has to be absent in the country. Let the agent be notified that within one day he must execute the instrument for the freedom that the slave claims, giving her a certified copy of the act for which she has asked. Assessor's fees, 10 reales. Costs are taxed by Luis Lioteau at 35 pesos, 3 reales.

January 21.

Proceedings taken by Zenon Torres to prove that the loss of the Bilander, "Nuestra Señora del Rosario", was unavoidable.

No. 10. 33 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This action brought by the Captain of a wrecked ship is of interest to the student of Louisiana law for the procedure followed in such cases. The action was brought in the court of the Intendant because he exercised jurisdiction in all cases involving maritime or commercial matters.

On the fly-leaf is written "To be placed in the Z— and Royal Treasury."

Senon Torres, Captain of the Bilander, "Nuestra Señora del Rosario", petitions, saying that it is convenient to him to make it evident that the loss of the bilander, all its cargo and everything belonging to it, was unavoidable although they did everything possible to save it, as is reported in the certified copy of the Protest that accompanies this, in which he has endeavored to prove the fact so that those lawfully interested in the ship or its cargo may not now, nor at any time, take action against him. He prays that the testimony of the witnesses he will present be admitted, who under oath and in due form of law will declare to the truth of what he has said in

his Protest and give evidence about anything else they may know about the wreck.

Protest.

The Marine Protest is dated in New Orleans, January 30, 1783,

and is drawn up in the presence of the Escribano and witnesses. It reads in part: that Senon Torres, late Captain and Master of the Bilander, "Nuestra Señora del Rosario," declares he sailed from Pensacola at six o'clock in the morning of December 24, 1782, for this city, with a light north north-east wind and having sailed past the point of Santa Rosa Island he turned the prow of his ship to the south, sailing four leagues, from this point he turned south-west fourth to west and held this course until seven o'clock at night when the wind veered to the west, blowing hard, and for this reason he followed a course to the south-west, and at twelve o'clock at night of the said day he was obliged to furl most of the sails, remaining with the main reefed and the jib. The following day, the 25th, at five o'clock in the morning, notwithstanding the darkness, because day-light did not come until a good hour afterwards, he saw the sea break over the prow; he immediately took soundings and found three fathoms of water, therefore to avoid grounding, they did everything possible, even to taking in the little sail they carried, then in due time they stranded off the coast of the Candelarias and when day dawned they discovered themselves to be eight leagues distant from land. In this emergency and because the ship did not

last more than three hours, as her stem was already opened, he resorted to every means to save what he could, though all in vain. For a period of three days they remained on the wrecked ship with all the crew working to the limit of their capacities, but nothing could be salvaged, and seeing that the vessel was full of water and had split in the middle, he determined to save himself and his men; this he did, in the launch belonging to the ship. They landed on Cat Island, from whence, in the said launch, he came to Plaquemine Turn, and from the latter, on account of the many pieces of wood that had accumulated just off the shore, they were forced to abandon the launch a quarter of a league away, and took shelter on an American Schooner that was anchored at a certain distance from where he was obliged to leave his launch. The Schooner brought him and his men to the Balize and from there, three days later, they went to try to find some way to save the launch. This was entirely impossible, because he found it was no longer serviceable. Therefore he returned to the Balize and undertook to come up the river, which he did, arriving in this city, January 11th of the current year. He did not succeed in saving anything but the few clothes he carried on his person. When the ship was wrecked he was in no way guilty of negligence and fulfilled his obligations in every way possible and did what he could to save the vessel and her cargo. He protests for the first, second, third, and as many times as are necessary in law, that the said loss must not be charged to his account and risk. Thus he executes and signs, before Rafael Perdomo. The witnesses present were Pedro de Aragon and Manuel Monrroy.

This Protest is followed by the Declaration of the witnesses. declaration of the witnesses, in the presence of Intendant Martin Navarro, Licenciado Juan del Postigo, Escribano Rafael Perdomo. Cayetano Mar. a sailor. is the first presented by Zenon Torres. He states that the Bilander sailed from Pensacola for this city, on December 24, 1782, with a light wind. Beyond the Point of Santa Rosa they turned the prow of the ship south and followed this course for 4 leagues. from here they changed to south-west, fourth to west, sailing in this direction until 7 o'clock at night, then the wind veered strongly to the south-west, blowing a hurricane, and from this danger they turned south-west. The sails were furled at between 11 and 12 o'clock at night. All that remained were the main, reefed and the jib. With this canvas only they held against the wind and a strong head sea, and so the rest of the night passed until 5 o'clock of the following day, the 25th (of December). At an hour after daylight they saw the sea break over the prow, the crew immediately began to sound and found three fathoms of water, and with the knowledge that the vessel was about to be stranded they did everything possible to save the ship and her cargo. In due time the boat grounded off the coast of the Candelarias, where they saw land 8 leagues away. In this emergency, and because the ship did not last more than three hours, as her stem was already opened, they spent the next three days trying to do everything possible to avoid a greater loss, but all in vain; and seeing the ship was full of water and that she had split in the middle, the Captain and crew determined to save their lives, which they did in the launch, landing on Cat Island, from whence, in the said launch, they came to Plaquemine Turn, where they were forced to abandon it because of the great accumulation of wood along the coast, which prevented them from passing. The Captain and crew embarked on an American Schooner that took them to the Balize, and from this place they went back to look for their launch, but it was impossible to save it. They then returned to the Balize and from there, in another small boat, came to the city.

Pablo Arcina, Antonio Ribera and Jose Oromi, sailors, and Juan Lopez, each in a separate declaration, give the same testimony as did Cayetano Mar in the foregoing statement.

The taking of the testimony having been finished, Zenon Torres then petitions, saying that in consequence of the evidence given, it will be clearly perceived that the shipwreck was not caused by his indolence, nor a lack of knowledge on the part of the pilot. Therefore may it please the Court to declare the said shipwreck as unavoidable, interposing to this effect its authority and judicial decree, in conformity to law. He further prays that the Escribano be ordered to give him a certified copy of these proceedings, so that he may present himself, with the said copy, before the interested Principals. Navarro, on Postigo's advice, rules: Let these proceedings be shown to the Accountant of the Army and Royal Treasury, so that in virtue of the functions of fiscal that he exercises he may set forth what is suitable to his office.

The Accountant of the Army renders a and Royal Treasury having the functions of fiscal, upon seeing the records that have been sent to him of the proceedings brought by Zenon Torres to prove that the shipwreck suffered by the bilander, "Nuestra Señora del Rosario," under his command, on the Candelaria Islands, was through no fault of his, that having examined the evidence with the most minute attention he offers no objections to whatever Intendant Martin Navarro may be pleased to declare in the matter of the shipwreck having been unavoidable, considering that it appears as evident from the testimony that has been furnished for this purpose and

also from the Protest that was presented. The Fiscal concluded with this (decision) in fulfillment of his commission. (Signed). Otero.

Navarro, on Postigo's advice, then proceeds to pass judgment in these words: Considering all the evidence presented in the case, he must declare and does declare the shipwreck as unavoidable, and for its greater force and validation he interposes and does interpose his authority and judicial decree, inasmuch as it has place in law. He further rules that Zenon Torres must be given the certified copy he has requested, so that he may be credited when it will be convenient to him, upon his payment of the just and due fees. Let the costs of the case be taxed by Luis Liotaud, which must be paid by Captain Zenon Torres. Assessor's fees, 32 reales. Costs taxed at 57 pesos, 4 reales.

January 21.

Proceedings brought by Gaspar de Aranda to prove that a certain entry of handkerchiefs sold in his shop are of good quality and strong.

No. 47. 12 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This action, brought by a merchant to prove the quality of merchandise which he offers for sale to the public, is of interest to the student of Louisians law for the legal procedure involved in such matters.

Gaspar de Aranda states that in consequence of the verbal action taken before Governor Miro with regard to some handkerchiefs from China that were thought to be rotten, may it please the Court to permit him to call witnesses, who, under oath, will give testimony to the effect that the said handkerchiefs sold in his shop were of good quality and strong. He will place them on exhibition so that they may be examined. Miro rules: Let the testimony be received that this party offers; for this purpose witnesses must be cited to appear, and done let their declarations be delivered to him.

The first witness to be called is Antonio Cavalier (Cavelier), who

declares, under oath, when the handkerchiefs were placed on manifest before him and after examining them attentively, according to his knowledge of dry goods, that they are of good quality and not rotten, and if one of them was torn that was bought by the people, it was because of the gum that this class of goods usually carries, but after the handkerchiefs are washed the said gum will disappear and without this substance they will be serviceable for a long time.

Salomon Mallines, Christobal de Armas, and Charles Norwood, the other witnesses summoned by Gaspar de Aranda, each in a separate declaration, give the same testimony as Antonio Cavelier.

Gaspar de Aranda petitions, setting forth that the testimony of the witnesses he has offered has been taken, and from their evidence one must be convinced that the handkerchiefs are strong and not rotten as some people have suspected. In consequence thereof, in the future he can sell them to the public without scruples nor any (bad) results. Therefore may it please the Court to declare the said evidence as lawful, interposing for its greater force and validity its authority and judicial decree, and to order that a full certified copy of the proceedings be delivered to him for his security, and he will promptly pay all just and due fees. Miro orders the Escribano to send this petition to Juan del Postigo, so that he may consult him for the decision that may be in conformity to Justice. The definitive judgment follows, rendered by Miro, on Postigo's advice. It reads in part: Attentive to the evidence furnished for Gaspar de Aranda, all the witnesses seem to confirm his deposition, therefore it is proven that the handkerchiefs, from China, which he displays in his shop, to sell to the public, are of good quality, strong and not rotten, as supposed, in virtue of which His Lordship says he must declare and does declare the said handkerchiefs as such, and he interposes for its greater force and validity his authority and judicial decree. Let the costs be taxed by Luis Lioteau, and let this party be given the certified copy he requests. Assessor's fees, 3 pesos.

Luis Lioteau is notified, qualifies and taxes the costs at 27 pesos, 5 reales.

January 23.

Pedro Aragon y Villegas vs. Carlos Lecher.

No. 23. 7 pp.

Court of Governor Miro.

No Assessor.

Escribano, Rafael Perdomo.

Redhibitory Action.

This suit to compel the vendor of a slave, found to be physically unsound after purchase, to take back the slave and return the purchase price, is interesting to the student of Louisiana law for the procedure employed in the case. The historian finds here an interesting item on the value of slaves in Louisiana at that date.

The plaintiff states, as it is attested by the certified copy of the Notarial Act which duly follows this petition, dated August 20, 1782, that he bought from Carlos Lecher of the German Coast, a creole negro from Martinique, named Estevan, as sound of body and without blemish, whereas he has found out that the said negro has been subject to hernia for many years, as the certificate proves, which he also produces, so that in consequence of what he has related and the said documents, he prays the Court to order Lecher to take back the slave and return to him the 400 pesos

he paid for Estevan. Miro rules: The certificate and certified copy having been presented, let this petition be sent to Carlos Lecher.

The next on file is the certified copy of the Act of Sale, dated August 20, 1782, passed before Rafael Perdomo, by which Carlos Lecher sells a slave, Esteban, to Pedro Aragon y Villegas, that the vendee acquired from Mrs. Litead, three years before, at the German Coast, by a simple piece of paper, because there was no Notary there to draw up an Act in conformity to law. This Act states that the negro is sound of body and with-

out blemish, and seems to be forty years of age.

The last entry is the certificate, given by Doctor Robert Dow, Physician of the Royal Hospital of this Place, to the effect that he was called to Pedro de Aragon y Villegas' home, to visit a negro, named Estevan, which he said he bought from Mr. Legere (Lecher). When he arrived at the house he found the slave sick with hernia, which, according to the declaration of the patient, he had suffered with from youth; and because of the hardness around the abdomen, it is apparent that the trouble is of long standing. The suit ends here.

January 23.

## Esteban Baure (Bore) vs. Alexandro Baoree (Baure).

No. 40. 29 pp.

Court of Alcalde Juan Ventura Morales.

No Assessor.

Escribano, Rafael Perdomo.

Redhibitory Action.

This suit, which is similar to the preceding one, illustrates the legal procedure employed by the vendor of a slave, claimed by the purchaser to be physically unsound, to compel the purchaser to go through with the sale. The plaintiff, in this instance, withdrew the suit, at his cost, after being unable through court action to compel the defendant to go through with the sale. For the historian the case yields an interesting item on the value of slaves in Louisiana at that period.

The plaintiff, through his attorney, Francisco Broutin, states that on the 21st of the current month he went to Arnaldo Magnon's public auction for the purpose of selling his two little negro boys. Leonardo Mazange offered 700 pesos for both, but not having come to an agreement with him, he sold the one, named Frontin, aged about 12 years, to Alexandro Baure for 350 pesos, cash. The purchaser took the said little boy with him, in the presence of Leonardo Mazange, as a transaction completed. In the afternoon he, Bore, went to the said Notary's Office where they met to draw up the Act of Sale. Mr. Baure refused to go on with the sale, and wished to return the child under the pretext that he

was dropsical. It has pleased the Court to have him visited by Dr. Robert Dow, Physician. and Dr. Joseph Montegut, Chief Surgeon of this Place, who declared verbally, that he did not have the said illness, and considering that it is the defendant's fault that the negro was not sold to Mazange or some other person, at the auction, and that he has not the malady claimed by Baure, may it please the Judge to order him to pay the 350 pesos cash and all costs caused or to be caused to this end, and he will be prompt to execute the said

sale. Morales rules: Let the certificates, that by verbal decree of this Tribunal were ordered drawn up, be attached to this representation, and done give a copy to Alexandro Baure.

The certificate drawn up by Doctors Dow and Drs. Dow and Montegut, is dated January 21, 1783, and reads, in part, that they certify, in accordance with an order from Alcalde Morales to go to his house to visit a little negro boy aged 10 or 11 years, that after making a most minute examination, they admit the abdomen to be much larger than natural, but without any dropsical tendency, nor obstruction in the viscera; besides they acknowledge the inguinal glands of both sides obstructed and the lower part of the legs swollen, but they presume that all the said incidents must be produced from an excessive amount of phlegm that may have interfered with the breathing, or from the use of rough and indigestible food and they think the said indisposition can not have any dangerous consequences.

Alexandro Baure answers the Alexandro Baure answers the suit. foregoing petition and certificate by calling the Court's attention to the desire of his opponent to sell the little negro, which proves clearly that the boy is of little value; otherwise he would not have found it difficult to dispose of him. Besides this, the public crier proclaimed the child to be without any infirmities, but at the moment he arrived at his house to eat, the plaintiff came to hurry him to go to draw up the Act of Sale. This made him suspect the little negro was not what he was represented to be, and he, having some knowledge of surgery, proceeded to examine him and found him ill, as did the Physician and Surgeon of His Majesty, as appears from the certificate presented in these proceedings, although they do not say he has the same malady as the defendant has discovered. They declare the child is not healthy, as the sale pretends, and as is the custom and practice in this Kingdom, hence it is clear that whenever the written Act of Sale would be drawn up the slave would have to be acknowledged as infirm before the actual consummation. Therefore his opponent could do no less than come to take back his negro sold as healthy. In consequence whereof, and that of their agreement, he proceeded to return the boy, and Estevan Bore received him. Therefore may it please the Court. in justice, to absolve him from this unjust claim, in consideration of the reasons he has given, and as no Act of Sale has been passed, as appears from Bore's written petition, and that at 3 o'clock in the afternoon of the same day he returned the slave to his owner. Morales orders this petition sent to Esteban Bore.

The Plaintiff answers the defendant. The plaintiff answers, saying it is not true that he hurried his opponent for the drawing up of the written Act of Sale. He proceeded in all good faith, and went to Leonardo Mazange's office

at three o'clock in the afternoon, for the sale, as they had agreed. As may be seen from the certificate signed by the Physician and Surgeon, the little negro has not the disease Baure The indisposition they found can not have any bad effects because he did not have any complaint that might prevent the sale, according to law. He could have sold his slave to Mazange, who offered 700 pesos for him, together with another boy. It is true that the sale would have been on credit, and he wished to sell for cash. Baure proposed to him, several times at the auction, to sell him the child for 350 pesos cash, and when he agreed and the vendee took the boy, in the presence of Mazange, it was a transaction concluded. Then at the moment of the drawing up of the Act of Sale, he refused to go through with it, and returned the child with the frivolous pretext that he was dropsical, which is false, as the certificate of the Physician and Surgeon shows. It is also untrue that he, the vendor, returned to take the boy, who is now in his possession since Baure refused to accept him. He has never been returned to Bore's keeping, as is evident to Alcalde Morales, who up to the present has the slave at his own house, where he still remains. An Act drawn up before a Notary is nothing more than the formality of the agreement between the parties, because the said agreement of the vendor and vendee makes up the written contract. and if Baure had not bought him he would have been sold at auction, perhaps to Mazange, or someone else, and it is very clearly the defendant's fault that the child was not sold, since he has no infirmity that according to ordinances, law and justice could prevent the sale. In consideration of the above. may it please the Court to condemn Alexandro Baure to pay him 350 pesos, cash, and all costs caused, or to be caused for this purpose, and he will be prompt to execute the said sale. Morales orders this petition sent to the defendant.

Alexandro Baure answers, set-The defendant refuses to go on with the ting forth that it is true he agreed to buy the negro, and it was his intention to do so and to pay the 350 pesos stipulated, with the understanding that he was healthy. It is also true that he took the boy to his house, where he was carefully examined and found to be infirm, as may be proven from the records, but healthy or infirm it is not now his intention to buy him because none of the proceedings that the Edict proclaimed by Count O'Reilly requires had preceded the sale, the said Edict he presents with due solemnity, submitting himself in the entire matter to the Court, so that in merits of justice it may be pleased to disregard the pretentions of Bore, and condemn him to pay costs. Morales rules: Having presented the Power of Attorney and the Edict that this party exhibits, let the matter be translated into Spanish by Luis Lioteau, who must first accept and take oath, and done sentence will be passed.

The next document on file is the Spanish translation of the Edict, or decree, of Governor General Luis de Unzaga y Amezaga, relative to the sale, exchange, barter and alienation of negroes, immovables and real estate, followed by a certified copy of a Notarial Act by which Alexandro Baure appoints Fernando Rodriguez his attorney to represent his interests in the suit prosecuted against him by Estevan Bore. The French copy of Unzaga's Edict is also included.

Alcalde Morales decides to have another Whereas, in order to decide rightly, and so that this affair may be argued with the clarity which is its due, let the slave be returned to the two Doctors for examination, and after they have made a careful investigation they will set down their opinions concerning the infirmities he is said to be subject to, and so that this may be done, His Honor names Doctors Robert Do(w) and Josef Monteguno (Montegut), who must be notified for their acceptation and oath in the usual form. Let them appear in this Tribunal on the 13th day, current, at 4 o'clock in the afternoon, for the purpose that has been explained; when the examination has been completed (and the result committed to writing), let the plaintiff be permitted to see it, in order that he may bring about what is convenient to him.

Doctors Dow and Montegut having been notified, each in a separate proceeding accepts and takes oath. This is followed by the examination and certification to same, before His Honor, the Judge, which reads in part:

The negro boy was examined by the Doctors, in the presence

The negro boy was examined by the Doctors, in the presence of Alcalde Morales. They asked the child several questions about the malady from which he is said to suffer, touching various parts of his body, together with other demonstrations known to their profession and practice. In accordance with this, and of having treated at length with regard to the matter, they unanimously agree and attest that as best they can and must, the negro, Frontin, who is placed before them, is the same boy for whom the certificate was issued, which has been filed with this process, wherein they affirmed that the said slave has a more distended stomach than is natural and also the groin somewhat inflamed and the legs swollen, but without any other symptoms of dropsy, real or false, and now having him returned for re-examination, after a most minute investigation, they are certain that the child, on this day, is not subject to the least indisposition, other than what they admitted before, therefore it may be rightly inferred, if he had been subject to any ailment, it proceeded from the causes they have set down in their certificate and is not the result of an habitual infirmity, as was supposed, and that the disturbance that was observed in the stomach is natural and does not come from any illness.

The plaintiff petitions, saying Estevan Bore, on the strength of the Doctors' certificate, asks for a consum- him the written statement of the second proceedings for the exam-

ination of the little negro, by the Doctors, wherein they declare the boy does not suffer from the smallest indisposition. Therefore, after due consideration of their certificate, it may be clearly inferred that the child is healthy and not dropsical, and from their testimony he has no malady that can annul or prevent the sale, according to ordinances, law or justice. The defendant acknowledges that he agreed to buy the slave and that it was his intention to pay the stipulated amount, with the belief that he was healthy, as all the difficulty lay in whether he was infirm or sound of body, and as it is proven the boy is well and not sick, the difficulty does not exist. Mr. Baure also admits that he took the slave to his house, but now he does not want him, sick or well, considering the Edict he has presented. But this Edict does not authorize him to make the plaintiff lose the chance to sell the negro at public Auction, which he could have done, and besides the said Edict was not made and proclaimed so as to serve to perpetrate frauds and stellionates, which might originate with the use of simple and private written documents, but in this matter there was neither fraud nor stellionate, nor a simple and private written document to annul. It was a case of the good faith of the vendor and the prejudices caused by the vendee when he prevented the sale. Therefore may it please the Judge to render the definitive sentence condemning Baure to pay 350 pesos, cash, and all costs caused or to be caused, and he will promptly draw up the Act of Sale to this effect. Morales orders this petition sent to Alexandro Baure.

Alexandro Baure answers, say-The defendant answers the above petition. ing that he does not wish to buy the boy, healthy or infirm, therefore he prays for the definitive sentence, because he has nothing more to allege or contradict in the matter, and all he asks is to be permitted to pay the costs he has caused. Morales renders judgment in these words: Whereas, and notwithstanding what has been set forth by Alexandro Baure in his written petition on page 26, (the foregoing,) let this cause be received for trial within the term of nine common days, during which time the litigants must prove, allege and justify what may be convenient to them. They must be cited in due form, so as to know, swear in and examine each other's witnesses.

The plaintiff petitions to withdraw the send this case on trial, by saying that he withdraws and desists

from all prosecution against his opponent, therefore may it please the Court to cause him to do so from now and for all time, and to order costs taxed which he will promptly pay. Morales rules: Whereas, and with the petition presented by Esteban Bore, His Honor says that from now he must and does desist from the prosecution of this cause, in virtue of which these proceedings must be considered as broken and cancelled, and for the greater validation and force, His Honor interposes and does interpose his authority and judicial decree. Let the costs be taxed, previous to which there must be the acceptation and oath of the taxer, in due form. Let them be paid by Estevan Bore, as he proposes in his last representation. This ends the case.

January 29.

Proceedings brought by Antonio Cavelier against a free negress, named Manon, over the ownership of a piece of land.

No. 45. 55 pp.

Court of Alcaldes Juan V. Morales, Nicolas Forstall and Joseph Orue.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case involving litigation in regard to a dispute over a piece of ground in New Orleans, is of interest to the student of Louisiana law because of the procedure followed and the many complications arising in the course of the litigation, which dragged out for a period of three years before final settlement of the suit.

Antonio Cavelier, through his attorney, Francisco Broutin, in the proceedings he has taken against the free negress, Manon, contesting 100 feet of land, together with improvements, supposed to belong to her, but really owned by him, sets forth that there have been delivered to him the records of the definitive sentence, by default, against Manon, dated July 22, 1779, in the suit prosecuted against her by Andres Roche, the first owner of the land sold to the plaintiff. This definitive sentence ordered her notified that in the future she must not molest, nor disturb her neighbor, Andres Roche, in the quiet and peaceful possession of his house situated on Royal Street, or the person in whose possession

it might happen to be, with the frivolous pretext of claiming several feet of ground more than were sold to her by the abovesaid. The written instrument of sale records a small house with the ground that it covers, only, which is what she now owns.

The Notary who drew up the Act of Sale was mistaken, as was the vendor, too, for he could not have intended to sell her more land than the little house occupied, since it is not probable he would have sold, with the small house, a piece of his own, because the two houses adjoin. The Judge saw, clearly, the bad faith with which Manon acted and the error in the sale, there-

fore on the advice of his Assessor, he rendered the definitive judgment in conformity to justice. They even took the trouble to go to the said houses before pronouncing sentence and not-withstanding Roche owed her nothing more, he gave her 80 pesos, in the form of indemnification, which does not appear in the records, but she has verbally declared it to be so to Alcalde Morales. He is now going to build a new house across the front of his land, and so that Manon will not disturb nor molest him in the possession of his house and lot, may it please the Court to order Gilberto Guillemard to make a survey of the ground the little house occupies, which will serve them both for a title, in due form, for all time. Morales orders this petition sent to the defendant, and in time a decree will be issued with regard to the survey and demarcation that this party claims.

In a second petition, the plainAntonio Cavelier prays for a copy of the definitive judgment already rendered.

In a second petition, the plaintiff prays to have the Escribano ordered to provide him with a certified copy, drawn up in public form, of the definitive sentence, by default, against Manon, pronounced July 22, 1779, by Alcalde Pedro Piernas, in the proceedings prosecuted against her by Andres Roche, so that neither he, nor those to whom he might sell, will ever be molested concerning the said number of feet the negress maliciously claims. Morales rules: Let this party be given the certified copy he prays, upon the payment of just and due fees. This decree is followed by the certified copy of the judgment, to enforce which forms the basis of this suit.

Antonio Cavelier further petitions, to the effect that a copy of his demand was sent to his opponent, and although many days have passed she has not answered, and considering that he is about to build a new house on his lot, her delay causes great prejudice because of the number of workmen he has to pay every day, and as Manon will not be able to indemnify him for the said prejudices, may it please the Court to order Gilberto Guillemard to make a survey and draw a plan of the lot that contains the small house, and also make a plan and take the measurements of the number of feet of his lot up to the defendant's house, leaving to her the right to take action in law, within a brief term, against whoever may be convenient to her. Morales decrees: As it is prayed.

Antonio Cavelier and Pedro Richoux state that in accordance with a sentence pronounced by the presiding Judge, on January 22nd of this year, so as to avoid increased costs that this law suit entails, they have agreed to compromise on the following conditions: first, that Richoux will take 13 feet 7 inches front of the lot to a depth of 70 feet, and

from 70 to a depth of 120 he will take 16 feet 2 inches frontage on the land he has bought from Manon. May it please the Court to order the Escribano to draw up a document of the said transaction according to this agreement, the Court approving and interposing its authority and judicial decree for the purpose. Morales sends this petition to Postigo, and upon receiving his legal advice, decrees: Considering the foregoing transaction, His Honor says he must approve and did approve and for its greater validation and force he interposed and did interpose his authority and judicial decree, and in consequence whereof he must order and did order the document drawn up in the terms as prescribed, with a certified copy of this document and its ruling recorded in the present Escribano's book of Public Acts, giving what they ask to these parties, both of whom he condemned and did condemn to abide by this decision. Let the costs of the case be taxed by the public taxer, who must first fulfill all formalities and demand the full amount from Manon. Fees, 2 pesos.

The plaintiff makes still another petition to adjust his property line.

Still another petition from Antonio Cavelier, saying that Pedro Richoux having bought a lot from

Manon, in order to avoid increased costs that a law suit would entail, they have agreed to compromise, with certain conditions set forth in the request he signed with Richoux. The present Escribano, having drawn up a document of the said transaction in conformity to what they have agreed in their said petition, which, when duly presented, received the Court's approval. According to this agreement he, Cavelier, will hold in ownership, 46 feet 5 inches front, for a depth of 70 feet, and from 70 to 120 feet he will have 43 feet 10 inches front, and Richoux must have 13 feet 7 inches front to a depth of 70 feet, and from 70 to 120 feet he must have 16 feet 2 inches, and although various proceedings have been instituted, the agreement has never been signed. Therefore may it please the Court to order Carlos Laveau (Trudeau), General Surveyor of this Province, to measure and make a plan of the lot Richoux's small house occupies, and also a plan and measurements of the number of feet his lot contains up to the little house, all in conformity to the said agreement. He further petitions, stating that considering the said agreement has not been signed, solely with a view to increasing costs, may it please the Court to order all paid, excepting those for his recourse against Manon. Morales rules: Let Carlos Labau (Laveau) Trudeau, Surveyor for this Province, make a measurement of the number of feet of land that should belong to Antonio Cavelier and to Pedro Richoux, according to the agreement set forth in the written petition on page 9, and let the places for the stakes necessary for the division fence be marked.

The certified copy of the agreement. The next record on file is the certified copy of the agreement, dated April 28, 1783, by which Antonio Cavelier and Pedro Richoux came to a settlement on their party line and the measurements of their respective properties mentioned in the above petition.

On October 15, 1785, the case Cavelier petitions for another survey. having passed into Nicolas Forstall's Court, the plaintiff presents a petition wherein he states that by decree of March 28, 1783, pronounced by Juan Ventura Morales, late Alcalde of this city, it was disposed that Carlos Laveau Trudeau, Public Surveyor, according to the written petition entered on page 9, a certified copy of which is attached to this, proceed to make a survey of the number of feet that belong to Cavelier, to fix the necessary landmarks so as to build the division fence. This survey was not made then, nor has it been made up to the present, because the surveyor was and still is absent from the city. He wishes to end this matter and to be certain of the amount of land he owns and the limit of his real property. Therefore he prays that it please the Court to order Gilberto Guillemard, also a surveyor, of this city, to make the measurements and set out the stakes, in conformity to the provisions of the decree, already mentioned. In a second petition he prays that a request for the help necessary to make the survey be sent to the Governor of this Place. Forstall, on Postigo's advice, rules: The compromise having been presented, the demarcation that this party prays has no place for the present and (must wait) until the Public Surveyor of this city returns.

The next document is the certified copy of the Act of Sale, dated tified copy of the Act of Sale, before Andres Almonester, dated February 17, 1777, by which Andres Roche sells to Maria, a free negress, known also as Manon, Manuela, and Manon Durand, a certain lot of ground, with improvements, on Royal Street, the house measuring 20 feet front by 10 feet deep, on a lot 20 feet front by 120 deep, adjoined on one side by the vendor's property and on the other by that of Antonio Marmillion; this property was inherited by the vendor from his grandfather, Andres Roche, and the selling price of the house and lot is 250 pesos.

Maria, or Manon, answers the suit in a petition, dated October 18, 1785, wherein she says that she bought a lot on Royal Street, measuring 20 feet front, from Henrique Roche, adjoined on one side by Antonio Marmillon's property and on the other by that of Antonio Cavelier, and of these 20 feet she agreed to sell 4 back to Henrique Roche for 80 pesos; that is why there now remains only 16 feet front belonging to her, and whereas in

merit of what she has represented, may it please the Alcalde to order the surveyor of this Province to go to her place to take measurements, so as to give to each one his rightful part and to mark the boundaries that must be made to her lot and those of Antonio Marmillion and Antonio Cavelier. Forstall rules: Let Enrique Roche swear and declare what amount he paid to Maria (Manon) because of error in the written Act of Sale which he executed in her favor, for 20 feet front, when it was discovered that the lot measured 13 feet only, and to whose order did he pay the said sum. When this declaration will have been made let it be sent to the Court.

Henrique Roche makes a declaration. Henrique Roche makes a declaration to the effect that he sold Manon a small house, occupying 13 feet front with the usual depth, and although in the Act of sale drawn up it appears as 20 feet front, this is a mistake, because it never was his intention to sell her more ground than the house covered, therefore he could not have sold her more than 13 feet. Besides, Governor Bernardo de Galvez made him appear to declare this error. They went to the said house and having entered and examined it, they found it covered 13 feet. The Governor condemned him to indemnify the negress to the extent of 80 pesos, under the distinct condition that she conform to it and keep the said house with the same 13 feet it then covered.

Manon again petitions, stating that it is convenient to her right to have Luis Dauquemenie Demorant and Mariana Brion, a free mulattress, declare, under oath, whether or not it is true that Henrique Roche asked her for the return of 4 feet of ground he had sold her, but that she did not wish to do so. Then because of the importunities of Mariana Brion, on behalf of Enrique Roche, she sold them to him. The defendant prays to have this testimony admitted for her, so that in consideration of it, the legitimacy of her ownership to the land she claims may be determined. Forstall rules: Let the persons mentioned swear and declare as petitioned, and done let their depositions be brought to the Court, as prayed.

Luis Dauquemenil De Morant gives his testimony, under oath, that the contents of the representation is true, and in fact what he knows and can say in the particular is: That Henrique Roche went to Manon's house several times to demand that she sell him 4 feet of the ground now in litigation, but he can not affirm whether or not the sale was executed, although afterwards he knew Henrique Roche had paid Manon 80 pesos.

Declaration of Mariana Brion.

Marie Anne Brion testifies that Enrique Roche came to her house with Manon, one day, where they

discussed the purchase of 4 feet of a lot belonging to the negress for 80 pesos. This is all she knows and can say in the particular upon what she has been questioned. Forstall, on Postigo's advice, orders these declarations sent to Antonio Cavelier.

The plaintiff states that he has Cavelier acknowledges the declarations of been given a transcription of the declarations of Manon's nesses, but nothing that can favor

her has been produced. These depositions are prejudicial to him, as he will explain more diffusely to this Tribunal, in due time. The defendant's demand is purely chimerical and foreign to the subject, as Enrique Roche's deposition, on the reverse side of page 29, confirms and he, Cavelier, will prove in his own good time, but before doing so, he will also show the cavilling and the double-dealing with which she wished and did wish to continue with an unjust demand after having been condemned, on two occasions, as appears from these proceedings. The Court can examine into it when convenient, and he hopes that attentive to what he has stated and what results in his favor from the records, it will please the Alcalde to disregard his opponent's pretentions, imposing perpetual silence upon her, and condemn her to pay the costs that her illegal demands have caused. Forstall, on Postigo's advice, sends this petition to the opposition.

Antonio Cavelier presents an-The Plaintiff complains that his opponent will not receive his petition. other petition, saying that although a copy of his last one has been sent to the negress, she has not been willing to make herself acquainted with its contents, as the present Escribano certifies he has asked her to do. Therefore he, the plaintiff, prays the Court to order the said Escribano to state whether, in the Act of notification, she named a person to defend her or not, and that they proceed to a decision in this affair. Forstall, on Postigo's advice, rules: As it is prayed.

Rafael Perdomo certifies that Rafael Perdomo's certificate. pursuant to the decree rendered to the petition on page 34 and the one following, he notified Manon, as may be observed from what appears written at the end of the document, but up to the present she has not applied at his office to make herself acquainted with the matter so as to answer the petition that has been sent to her and is pending.

Antonio Cavelier sets forth that he requested, by petition filed on page 21 and the one following, to proceed with the taking of the measurements and placing the landmarks, as was ordered in the decree of March 28, 1783, and the other reasons given to have the survey made by Gilberto Guillemard, may it please the Court to declare his claim without place, because Carlos Laveau Trudeau, Public Surveyor, has returned to this city, who was named in the decision, and considering he is now here, he prays to have him ordered, before he proceeds to other things, to the making of the said survey and demarcation, notifying him for his acceptation and oath. Forstall, on Postigo's advice, rules: As it is prayed. Carlos Laveau Trudeau is notified, accepts and takes oath to make the survey.

Caveller states that Manon opposes the that Alcalde Forstall has ordered the land measured, by the Public Surveyor, but Manon will not consent to it and hinders Mr. Trudeau in the course of his proceedings. He prays for the help of the present Escribano and Nicolas Fromentin, Deputy Sheriff, so that in their presence the survey may be made, and in case the negress opposes them she be placed in the public prison of this city until this matter is finished. On January 12, 1786, Joseph Orue rules: As it is prayed in all.

Another petition from Cavelier, to the effect that the survey that was ordered has not been made, owing to the illness of the Escribano of this cause, therefore may it please the Court to have this order carried out with the assistance of the persons cited, before Luis Lioteau, Royal Notary, upon whom the necessary commission must be conferred for this purpose. Alcalde Orue, on Postigo's advice, rules: As it is prayed.

The survey, dated February 8, The survey. 1786, by Carlos Laveau Trudeau, Royal Surveyor, who, accompanied by Escribano, (Notary) Royal Luis Lioteau and Nicolas Fromentin, Deputy Sheriff. in accordance with a decree, went to Manon's house, and arriving there the Escribano notified Antonio Cavelier and Antonio Mermillion, immediate neighbors, so that they might witness the survey of the said land, which was done immediately in the presence of the interested parties, with the exception of the negress, who would not assist. However she was cited for the purpose. They then proceeded to take the measurements. This proces This proces verbal is followed by the surveyor's plan of the real properties. Mermillon's lot has a frontage of 60 feet 5 inches, Manon Durand's 13 feet, 7 inches, front and 16 feet 2 inches at the rear line, and Antonio Cavelier's 46 feet 10 inches front (43 feet plus 3 feet 10 inches) and 44 feet 3 inches at the rear line.

real property under litigation is situated on Royal Street next to the corner of St. Peter.

Manon petitions, saying that on Manon opposes the survey. was absent from her house, the Surveyor presented himself to measure her land, which he actually did, so that when she arrived she recognized one of his landmarks placed in her court yard, which took from her the greater part of her lot and her kitchen, all of which had been sold to her without any lien, and even more she has had possession for 15 years without ever having been disturbed, because it is generally and publicly known and is evident from the public instrument on file that Henrique Roche sold her the lot by Act of Sale, wherein it is stated that it measures 20 feet front, then to do him a favor she ceded back to him 4 feet, therefore there remained to her 16 feet, and now according to the operations of the surveyor she is deprived of a house that lawfully belongs to her according to an official document, and still more because she has had possession for 15 years. Therefore this is a manifest despoliation, in no way sanctioned by law. She prays to have the said survey declared as null and void, with an order to the officials to return to make a new one, in conformity to the titles to ownership which each one of the parties must exhibit to the Surveyor. Orue, on Postigo's advice, accepts this petition for a future ruling. decree is rendered later to the effect that in order to arrive at a better decision, let Andres Almonester declare whether he was present at Luis de Unzaga's verbal condemnation of Enrique Roche because of the number of feet lacking according to the written Act of sale by which the foresaid Roche conveyed to Manon, and done let the declaration be brought to the Court. Assessor's fees, 2 pesos.

Almonester's declaration reads Almonester's Declaration. in part: That he does not remember, because of the length of time intervening since the Governor General of this Province decided the case between Maria (Manon) and Henrique Roche to force him to make good the 20 feet of ground, with improvements, situated on Royal Street, next to the vendor's property, which she claimed he sold her. But he does recollect, because the Act was passed before him, as Notary, that the proceedings were instituted by the said Governor, extrajudicially, before him, in the presence of the interested parties, when His Lordship saw that Roche could not have sold the negress more land than her small house covered, and according to what he remembers it seems to him there were 13 feet, because to complete the 20 feet Manon demanded it would have been necessary to tear down the larger house, belonging to Roche, which abutted on the smaller one. The Governor General, considering the prejudice and costs that such a proceeding would cause, which would be greater than the full

amount received from the vendee, ruled against it. Of course, at the time it was clearly inferred that Roche had not measured the little house when he sold it and without reflecting, specified a number of feet he did not have to dispose of. Luis de Unzaga condemned Roche to pay the negress 80 pesos, not to recompense her, but to punish him and to serve as a warning, so that in the future litigation would not be occasioned through lack of reflexion.

Joseph Orue, on Postigo's advice, pronounces final judgment in these words: With the merits

resulting, he approves the survey made by Carlos Labeau (Laveau) Trudeau. Let perpetual silence be imposed upon the negress, so that she may not take action against Antonio Cavelier. either now, or at any future time. Let the costs be taxed and paid by Manon, with the inclusion of 3 pesos, Assessor's fees (for this sentence).

Luis Lioteau is notified, accepts and takes oath to tax the costs of the case, but before doing so there is another ruling by Joseph Orue, dated May 18, 1785, reading: With regard to the communication from the Escribano, reporting that Manon has not paid the costs, as she was condemned to do, let it be made known to her that just as soon as she receives the notification she must exhibit the amount of the costs, besides those that may be caused up to the cash payment of same, and not doing so let her be arrested by any of my ministers and placed in the public prison of this city until she has complied with what has been ordered. The last entry is the taxation of costs by Luis Lioteau, amounting to 54 pesos, 1 real.

January 30.

Joseph Lebreton vs. Pedro Henrique Derneville.

No. 3347. 3 pp.

Court of Governor Esteban Miro.

No Assessor.

Escribano, Leonardo Mazange.

To collect a debt.

This suit to collect a debt is of interest only for the procedure followed in establishing the proof of the obligation.

The plaintiff presents a certified cony of an obligation, drawn up in Paris, and sets forth that as it appears from the foregoing note, signed by Pedro Enrique Derneville and transferred to the order of his late father. Luis Cesaire Lebreton. the defendant owes him and the other heirs 342 nesos. He prays the Court to cite his opponent to verify the debt. and if he owes the money to condemn him to nav it. Miro rules accordingly, Chevalier Derneville, under oath, acknowledges the in-

debtedness. This is followed by an entry, signed by Leonardo Mazange, to the effect that the corresponding receipt was issued April 1, 1783.

(To be continued)

All transplants of the control of th